GENERAL RULES

AND

CIRCULAR ORDERS

OF

THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL,

(APPELLATE SIDE, CIVIL).

UNIVERSITY OF TORONTO
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CALCUTTA:
OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.
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An Appendix containing specimens of the forms in use will shortly issue.

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PREFACE.

THIS edition of the General Rules and Circular Orders of the High Court applicable to the Subordinate Civil Courts is based mainly on the codified edition of the Rules, &c., prepared by Mr. Wilkins in 1881. The General Rules and Circular Orders which have been issued since the publication of that edition have been added: obsolete Rules or parts of Rules have been omitted: and verbal amendments have been made, where necessary, to meet changes in the law. The Instructions contained in a few General Letters have also been added as notes.

The arrangement adopted in Mr. Wilkins' edition has not been followed, as it has been found to be inconvenient for the purposes of reference. In the present edition, Rules having the force of Law and Instructions issued for the guidance of Civil Judicial Officers have not been separated and placed in different chapters. Both for the purpose of reference are described in this edition, as heretofore, as Rules, but to prevent misapprehension, Rules having the force of law are distinguished from Instructions by the insertion in the headings of the former of the words "Rule" or "Rules" in capital letters.

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In chapter I, the Rules and Instructions which have been issued supplementary to, or in explanation of, the provisions of the Code of Civil Procedure, have been arranged in the order in which the matters to which they relate appear in that Code, and they are followed by such Rules and Instructions relating to practice or procedure as have been issued under other Acts. The Rules and Instructions connected with other subjects have been grouped into chapters in a form convenient for reference.

The arrangement and amendments have been carried out under the supervision of Mr. Justice Prinsep in accordance with instructions approved by the Judges of the Full Court.

C. M. W. BRETT,
On Special Duty.

HIGH COURT,
The 31st March 1891.

HIGH COURT,
Appellate Jurisdiction.

THIS Edition of the High Court's General Rules and Circular Orders (Civil) is prescribed for the use of Civil Courts subject to its Appellate Jurisdiction in supersession of the Edition issued in 1881.

By Order of the High Court,
H. W. C. CARNDUFF,
Registrar.

CALCUTTA,
The 1st May 1891.

INSTRUCTIONS.

ALL Rules having the force of law and all instructions for the guidance of Judicial Officers, which are intended for permanent use, will, as heretofore, be issued as Circular Orders.

All such Circular Orders will be issued in the form in which it is intended that they shall be included in the codified edition of the High Court's Rules and Orders. These should be filed in the office in chronological order.

A sheet will be issued every month, giving the corrections and additions which have been made during the preceding month. This sheet will be printed on one side of the paper only in order that it may be cut up into slips for insertion in their appropriate places in the codified edition.

All instructions on matters of temporary interest or importance will be issued as General Letters, and these, as a rule, will not be entered in the codified edition.

In future, when making a reference to the High Court's Rules and Circulars, officers should quote, not the number and date of the Circular itself, but the chapter, rule, paragraph, and page in the codified edition.

By Order of the High Court,
H. W. C. CARNDUFF,
Registrar.

HIGH COURT, CALCUTTA,
The 1st May 1891.

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PART I.

RULES RELATING TO THE JUDICIAL BUSINESS OF CIVIL COURTS SUBORDINATE TO THE HIGH COURT.

CHAPTER I.

Rules relating to Practice and Procedure.

Conduct of Judicial Business.

1. [*Sittings of the Courts.—C. O. No. 11 of 31st May 1873.*]—The latest hour at which Judges of all classes should be on the Bench is 11 o'clock A.M., except in the case of Districts in which, and at seasons when, it is usual to hold early morning sittings.

2. [*Trials not to proceed on Sundays and Holidays—C. O. No. 5 of 10th January 1880.*]—Without the consent of parties and in the absence of urgent necessity no civil trial should proceed on Sundays or Gazetted holidays.

3. [*Instructions regarding Petitions*—C. O. No. 4 of 10th February 1877 & G. L. No. 7 of 8th May 1884.*]—Petitions should always be taken in open Court and usually at the commencement of the sitting of the Court daily. The majority of petitions can be disposed of by an order passed in Court as soon as they are filed. Where a reference to the record or to other papers is necessary before an order can be made, they should be brought up with such record or papers on the following open day and orders should then be passed in Court.

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* For Register of Petitions see Register 2 of Subsidiary Registers, Chap. VI, Rule 1, page 250.

4. [*RULE. Diary—C. O. No. 2 of 14th February 1870; C. O. No. 6 of the 9th May 1890.*]—In every Civil Court subordinate to the High Court there shall be kept a book to be called the "Diary of the Court of at " in the form prescribed* by the High Court. The Diary shall contain all the particulars entered in the form and each day's entry shall be signed by the presiding officer before leaving the Court. Each case fixed for any day shall be entered in advance immediately upon a date or adjourned date being fixed and the entry as to each case shall show whether it is for final disposal at the first hearing or for settlement of issues or for trial after adjournment or for any other purpose. The Diary shall show briefly the progress made in each case, and when witnesses are examined in any case the number of such witnesses shall be stated.

5. [*RULES. The Order-sheet*† *to be attached to the record of each suit or case—C. O. No. 7, dated 2nd June 1890.*]—(*a*) The practice of writing orders on petitions, reports, &c., is strictly prohibited. Such orders shall be written on the order sheet which shall be kept in the form annexed and attached to the record of each suit or case.

On every petition, return, or report requiring an order to be made upon it, there shall be entered at the head thereof a note of the serial number (corresponding with the serial number in the order sheet) and the date of the order made, and no more; the order and the reasons for making it (if any) will, except as provided below, appear only in the order-sheet.

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* See Register 1 of Subsidiary Registers, Chap. VI, Rule 1, at page 249. This rule was amended on the revision of the Rules in 1891.

† These Rules being part of the Rules for the arrangement of Records for Civil Proceedings are inserted here also for convenience of reference.

(*b*) The order-sheet, being intended to show the course of a suit or case from first to last, shall also contain a note of every order made in the suit or case, and shall show the date of, and the proceedings at, every hearing. It shall show, among other matters, the dates on which the plaint and written statement were filed, issues were recorded or amended, witnesses examined, and the names of such witnesses, of the delivery of judgment, of the signing of the decree, and of any application for review of judgment or amendment of the decree. It shall also contain a note of proceedings, such as the reading of the deposition of a witness examined by Commission, the reading of a Commissioner's report, and of the fact of any objection being made thereto, and if witnesses are in attendance when a case is adjourned the fact shall be noted.

(*c*) Orders, the reasons for which require to be recorded at length, shall not be written on the order-sheet, but a note of the order and of the date on which it was made shall be entered in it.

(*d*) Orders fixing dates or adjourned dates for hearing, or directing anything to be done by the parties or their pleaders, shall be signed then and there by the parties or their pleaders.

(*e*) The order-sheet may be written by an officer of the Court at the dictation of the presiding Judge, who, however, shall sign and be responsible for the correctness of the entries in it.

Form of Order-Sheet.

Serial number of Order or Proceeding.	Date of Order or Proceeding.	Order or other Proceeding.	Signature of Judge.	Signature of Parties or Pleaders when necessary.
1	2	3	4	5

Institution of Suits.

6. [*Sections 51 and 52, C. C. P.—RULE. Verification of plaints, &c., to show date and place of signature—C. O. No. 5 of 22nd February 1870.*]—All verifications,* whether of plaints, written statements or applications requiring verification, presented in any Civil Court subordinate to the High Court, shall contain a true specification of the *date* and *place* at which they are signed.

* *Vide* Sections 51, 52, 115, 178, 346, and 435 of Act XIV of 1882.

7. [*Sections 48 to 63, C. C. P.—Prompt Registration of Plaints—C. O. No. 10 of 19th May 1865.*]—No plaint should ordinarily remain unregistered for more than one day, for it is obviously the duty of every Judge to take up at latest on the day following their presentation all plaints filed in his Court. Superior local Courts should check irregularities by a strict supervision over the proceedings of their subordinates, opportunities for which are afforded to them in the exercise of their jurisdiction as Courts of appeal, or on visits of inspection.

Issue and Service* of Summons.

8. [*Section 85, C. C. P.—RULE. Court to which Summons to be sent for Service—C. O. No. 17 of 14th May 1872.*]—A summons issued under Section 85 of the Civil Procedure Code shall ordinarily be sent, not to the Judge of the District where it has to be served, but to the Court "by which it can be conveniently served," *i.e.*, to the Munsif within whose jurisdiction the defendant or the witness (as the case may be) resides.

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* NOTE.—(*Sections 93 to 95, C. C. P.—Costs of Service.*) For cost of service and postage for transmission of processes to another District see rules passed by the High Court under Clause 1, Section 20 of the Court Fees Act (Chapter II, Rule 8), and Notification of the Governor General in Council Chapter I, Rule 9(*u*).

9. [*Sections 64 to 94, C. C. P.—General directions as to the issue and service of Summons and Process, and proof thereof.*]—(*a*) [*C. O. No. 9 of 6th April 1871.*]—The service should be personal in all cases in which personal service is practicable, and the Courts ought not in *ex-parte* cases to act upon anything short of personal service, until they are satisfied that personal service could not reasonably be effected. The nature of the proof of service which the Court ought to require in each case, according as it falls under one or another of the various Sections of the Civil Procedure Code relating to service of summons on defendants, is briefly stated in the following paragraphs :—

Proof of Service.

(*b*) When the summons or notice is served on the defendant or respondent personally, the service and the signature of the defendant on the back of the summons or copy should be proved by the affidavit or solemn declaration recorded in writing of the person who actually effected the service; and the identity of the person* served with the party to whom the process is addressed should be proved by the affidavit or solemn declaration of some one personally acquainted with the party to be served.

(*c*) If the service is made under Section 75 of Act XIV of 1882 on an agent, it should be proved that such agent was empowered to accept service, either by reason of his being one of the class of recognised agents described in Sections 37, 417, and 432 of Act XIV of 1882, or by virtue of appointment for that purpose in writing.*

(*d*) If the service is made under Section 78 it should be proved by the affidavit or solemn declaration of the officer effecting the service, and, if necessary, of some other person or persons acquainted with the facts, that the defendant or respondent could not be found, and had no agent empowered to accept the service, and that the person to whom the process was delivered was an *adult* male member of his family, and was actually residing with him at the time of such service.

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* The party causing the service to be effected must give proof to this effect. It is a matter of which, ordinarily speaking, the serving officer would have no knowledge.

(*e*) If the service is made under Section 80 it should in like manner be proved that the defendant or respondent could not be found, and that there was no agent empowered to accept the service, nor any other person on whom the service could be made, and that the defendant or respondent ordinarily resided in the house, on the outer door of which a copy of the process was fixed at the time when it was so fixed.

(*f*) If the service is made under Section 82, it should in like manner be proved that the house upon the door of which a copy of the process was fixed was the house in which the defendant or respondent last resided,* and that the service was made in all respects in conformity with the order for substituted service, which should accompany the process.

(*g*) If the service is made under Section 77, it should be proved in like manner that the summons or notice could not be served on the defendant or respondent in person, and that he had no agent empowered to accept the service, and that the person to whom the process was delivered was an agent of the defendant or respondent in charge of the land or other immovable property forming the subject-matter of the suit.

(*h*) If the service is made under Section 436, it may be proved that the summons or notice was left at the

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* It should be stated how long, and until when, he resided in the house, and what has become of him.

registered office of the Company, or was delivered to any Director, Secretary, or other principal officer.

(*i*) If the summons or notice, when tendered, is declined by the defendant or his agent, or a male member of his family, besides the proof required as to identity, &c., as stated above, it should be proved that the party was informed that the document tendered was a summons or notice, and that he was made acquainted with the nature and contents thereof.

(*j*) The proof which is above described as requisite in each case may be* either by the affidavit or verified statement of the person by whom the service was effected, and of any person who may have accompanied the serving officer for the purpose of identifying the party to whom the process was addressed, or otherwise directing or assisting the serving officer; or, if deemed necessary, by the examination in Court as witnesses of such persons as the Court may think fit to examine.

(*k*) When the summons which has been served is the summons of another Court transmitted to the serving Court for the purpose of service only, then, upon service being effected, this latter Court should re-transmit the summons to the Court by which it was issued, together with the Nazir's return and the affidavits, verified statements or depositions of the serving officer and the witnesses relative to the facts of the service.

Directions for Serving Officers, and forms of Returns to be made by Nazirs.

(*l*) Nazirs in serving summonses and other process under Act XIV of 1882 must carefully attend to the directions of the Act as to the service of process. Their attention is particularly called to the fact that, wherever it is practicable, the service of process placed in their hands should be personal.

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* The preceding words were introduced in place of the original words by C. O. No. 6 of 10th February 1872.

(*m*) They will be held responsible for the due and regular service of all processes entrusted to them for service by themselves and their subordinates, and in each case for the correctness of the statements made in the return. Subject to the instructions contained in the Note to Rule 10 of Chapter VII, no peon should be retained for the service of processes who cannot read and write, or who is not capable of fully and intelligently carrying out these rules in so far as they relate to actual service.

(*n*) The forms of returns to be made by Nazirs* should be followed as nearly as the circumstances of the case admit. In all cases, if the summons or other process is served personally, and the person served signs any acknowledgment of the service, the return shall state that fact, and refer to the signature of the party signing, thus—

"that the said did at the time of such service in the presence of and sign the acknowledgment of the service endorsed on the summons (or other process) hereto annexed."

(*o*) If the summons or other process was tendered and declined it will be necessary to show that the contents of the same were brought to the knowledge of the party served. The return must therefore state—

"that the summons (or other process) was tendered and returned, and that the defendant or respondent refused to receive the same, whereupon

informed him what the document was, and acquainted him with the nature and contents thereof."

(*p*) [*C. O. No. 18 of 4th May 1878.*]—The District and other Courts in the Mofussil should from time to time, as opportunity offers, call the attention of persons concerned to the preceding directions, in order that needless expense and delay may not be occasioned by inadvertent disregard of them.

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* See Appendix A., Forms Nos. 5–9..

(*q*) [*Processes in Presidency or other Towns—C. O. No. 29 of 6th August 1878; G. L. No. 2 of 19th January 1887.*]—In issuing processes for service in the Presidency Towns, the presiding officer in each Court must personally satisfy himself that such full particulars of the description of the person summoned are entered in the process as will render it unlikely that the bailiffs in the Presidency Towns should mistake the identity of the person summoned. In the case of Europeans and Eurasians, the Christian name or names in full, if possible, and certainly the initial, the profession or trade, and the full address of the person summoned (*e.g.*, the name of the street or section and of the number borne by the house) should be accurately set forth. In the case of Natives, the name, father's name, caste, occupation, and address should be set forth in the summons, together with any further particulars which, in the opinion of the presiding officer, will facilitate the service thereof. The issue of process should be delayed until such particulars are satisfactorily furnished by the person at whose instance it is to be served.

(*r*) [*Processes, &c., to be clear and legible—C. O. No. 4 of 13th March 1876; C. O. No. 16 of 18th August 1882.*]—In every process and order (of whatever description) issued by a Judicial Officer for whatever purpose it may be issued or made, the name of the District and of the Court from which the same is issued, and also the name and powers of the Officer issuing or making it, shall be clearly set out in such a manner that they may be easily read. In all cases all Judicial Officers shall take care to sign their names distinctly and legibly. The impression of a stamp bearing the officer's name is insufficient and illegal.[1]

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[1] Amended on the revision of the Rules in 1891.

(*s*) [*Processes sent to other Districts—C. O. No. 8 of 7th April 1877.*]—Processes issuing out of a Civil Court should be written "in the language in ordinary use in the district in which it is held,"—that is to say (with certain exceptions), the language in which the proceedings of such Court are conducted. But where a process is sent for execution to the Court of a District where a different language is in ordinary use, the process should be accompanied by a translation, certified by the transmitting Court to be correct, into such other language, or into English. Moreover, in such cases it will be convenient and proper that the process should be accompanied by an English letter requesting its execution.

(*t*) [*Summons on person in Military employ—C. O. No. 24 of 24th June 1878.*]—Whenever it may be necessary to summon an Officer or soldier in Military employ to attend a Civil or Criminal Court as a witness, the process-server who is to serve the summons should be instructed to take it under cover to the Officer in command of the regiment or detachment with which the witness may be serving, and to apply for his assistance in serving it. With the assistance given the process-server shall then proceed to serve the process, and shall make his return direct to the Court. In such cases sufficient time should always be given to admit of arrangements being made for the relief of the witness summoned.

(*u*) [*Section 95, C. C. P.—Rule. Postage on processes.—C. O. No. 9, dated 10th May 1882; C. O. No. 10 of 28th March 1872.*]—(*a*) His Excellency the Governor-General in Council is pleased to direct that in future the postage charges on all processes, notices, and such other documents as are issued from any Judicial or Revenue Court, and are required to be transmitted by post, shall be paid by means of service postage stamps, without any additional charge being levied from the parties at whose instance the processes are issued.

As regards notices to respondents in appeal cases the postage should be paid by Government, one uniform rate of *talabana* fee being contemplated for all cases, and the transmission by post for part of the distance being an economy to the Government.

When Courts in the interior make requisitions upon the District Court at the Sudder Station for the payment of money in deposit to decree-holders or other persons, the postage for such requisitions should be paid by the parties on whose behalf they are made.

Admission, &c., of Documents.

10. (*a*) [*Sections 121 to 145, C. C. P.—RULES* for the admission, filing, and return of documents—C. O. No. 7, dated 2nd June 1890.*]—All documents produced with the plaint or at the first hearing shall be accompanied by a list in the following form :—

COURT OF____________________

Suit No._______of____________

List of Documents produced with the Plaint (or at first hearing) on behalf of Plaintiff (or Defendant). This List is filed by________(name)________this (date).

Serial Number.	Description of document.	Date of document.	Whether registered or not.	IF TENDERED IN EVIDENCE, DATE ON WHICH IT WAS		REMARKS.	Signature of party or pleader for documents rejected or returned, and date thereof.
				Admitted.	Rejected.		
1	2	3	4	5		6	7

Columns 1 to 4 shall be filled in by the person who files the list. In column 5 shall be entered only such documents as are tendered and admitted or rejected. The entry shall be made by the officer in charge of the record at the time when the document is admitted or rejected.

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* These Rules, being part of the Rules for the arrangement of the Records of Civil Proceedings, are inserted here also for convenience of reference.

(*b*) When a document included in the above list is tendered in evidence it must, if rejected, be at once endorsed as prescribed by Section 142 and returned to the person tendering it, who shall give a receipt in column 7 of the list. If admitted in evidence, it shall be detached from the said list, and, after being endorsed in accordance with the provisions of Section 141, shall be annexed to the list referred to in the following rule.

(*c*) A separate list of the documents admitted in evidence on behalf of each party shall be prepared by the officer in charge of the record and signed by the presiding Judge. The documents shall be entered in these lists in the order in which they are admitted and marked.

List of Documents admitted in evidence for the Plaintiff (or Defendant).

Distinguishing mark or number.	Description of document.	Date of admission.	Whether admitted after or without objection.

Signature of Judge.

(*d*) The Court shall mark the documents* which are admitted on behalf of the plaintiff or plaintiffs with figures in the order in which they are admitted, thus: 1, 2, 3, &c., and the documents admitted on behalf of the defendant with capital letters, thus: A, B, C, &c.

When there are two or more parties defendants, the documents of the first-party defendant may be marked A1, B1, C1, &c., and those of the second A2, B2, C2, &c.

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* Exhibits must not be defaced in any way by Judicial Officers except in so far as the Law permits, that is to say, by marking them as Exhibits filed in a specified course. (G. L. No. 8, dated 6th December 1886.)

(*e*) When a number of documents of the same nature are admitted, as, for example, a series of receipts for rent, the whole series should bear one number or capital letter, a small number or small letter being added to distinguish each paper of the series.

(*f*) When an original document, after being marked for the purpose of identification, is returned and a copy thereof substituted under the provisions of Section 62 or 141A, a note of the return of the original shall be made in the lists referred to in the preceding rules.

(*g*) Documents produced, but not tendered in evidence, shall, at the conclusion of the trial, be returned to the person producing them or his pleader. A pleader is bound to take back any document produced by his client which the Court under this rule orders to be returned, and to sign a receipt for the same in the proper column of the list.

(*h*) To every copy of a decree given to the parties to a suit or case there shall be annexed a printed notice in the following form, calling upon them to withdraw their exhibits as soon as the decree shall have become final :—

Notice to take back Documents.

IN THE COURT OF ____________

Suit No.________of ____________

____________________________*Plaintiff.*

____________________________*Defendant.*

The parties in the above suit are hereby required to take back, as soon as the decree shall have become final, the documents produced by them which are exhibits in the above case. If they fail to take them back the documents will be destroyed when the record is destroyed.

Judge.

*Date*____________

Adjournments.

11. [*Sections 156 to 158, C. C. P.—Rules regarding Adjournments—C. O. No. 14 of 11th September 1876.*]—(*a*) In every case adjourned without hearing in consequence of the Court being unable to finish the cause list for the day, there shall be recorded as part of the order of adjournment a specific order to the witnesses to attend on the day to which the case stands adjourned. This order should be to the following effect :—

"Whereas, &c., it is ordered that the hearing of this suit be adjourned to the , on which day the witnesses mentioned in the Nazir's return of this date as in attendance on the Court, *viz.* (No.) for the plaintiff, and (No.) for defendant No. 1 and (No.) for defendant No. 2 (and so on), are required to be in attendance."

(*b*) When there are no witnesses in attendance the order after the date to which the hearing is adjourned may run :

"The Nazir having returned that no witnesses are in attendance this day the parties are required to take notice thereof."

(*c*) When an adjournment is ordered a future day ought not to be fixed at random as a matter of form. The circumstances of each case, as, for example, the distance witnesses have to travel, and sometimes the season of the year, as well as the state of the files, should be considered. It may well be that in some instances it is a less hardship to detain witnesses from day to day than to discharge them, requiring them to return after a considerable interval.

Summoning and attendance of witnesses.

12. [*Sections 160 to 162, C. C. P.—Diet-money for witnesses—C. O. No. 8 of 19th April 1882.*]—(*a*) With a view to the prevention of the accumulation of diet-money in the hands of the Nazir, the Sarrishtadar shall obtain a certificate from the Nazir of the amount of unexpended or unclaimed diet-money in his hands in each case, and, after notifying the same to the parties or their pleaders, enter its purport on the order-sheet immediately after delivery of judgment.

(*b*) The provisions of Rule 57 of the Account Rules* shall be strictly observed in dealing with any diet-money which may remain unclaimed from time to time.

(*c*) [*C. O. No. 9 of 18th September 1883.*]—The Civil Courts shall not receive postage stamps in payment of the travelling and other expenses of witnesses. A party applying for a summons on a witness shall deposit for the latter's expenses a sum in cash, sufficient to cover (when necessary) the transmission of the amount to another Court by money order or postal note.

(*d*) [*C. O. No. 3 of 23rd January 1885.*]—Money orders or postal notes for the payment of witnesses' expenses, or of any other of the peremptory items falling under Clause (*g*), Rule 5 of the Account Rules, shall be made payable to the Cashier of the Court to which the money is remitted. The Cashier will receive the money as provided in Rule 26, and will deal with it as directed in Rule 33 of the Account Rules.

In the case of money orders the number of the suit and other necessary particulars shall be entered in the coupon which is now attached to all money orders.

13. [*Section 167, C. C. P.—Summons on witness in Government employ—C. O. No. 1 of 17th January 1883.*]—(*a*) In fixing the date for the attendance of any public officer or any servant of a Railway Company, under Section 167 of the Code, sufficient time should be allowed in order to give the witness an opportunity of communicating with his departmental superior, so as to arrange for the discharge of his duties during his temporary absence from his post.

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* See page 150.

(*b*) The Court should also send a copy of the process to the departmental superior of the witness on the same date as that on which the summons is sent to the witness.[1]

Hearing of the suit and examination of witnesses.

14. [*Certain* Rules *applicable to contested original suits valued above Rs. 5,000—Rule No. 10 of 18th May 1885.*]—The following rules[2] shall be applicable to contested original suits valued above Rs. 5,000 :—

(*a*) Every written statement and every application made in the course of a suit, which the Judge may consider material, shall be accompanied by as many copies thereof as there are parties whose interests are not joint.

(*b*) Every party filing exhibits shall file therewith as many copies of a memorandum, containing a description of the documents filed, in the form† prescribed by this Court under the provisions of Sections 59 and 140 of the Code of Civil Procedure, as there are parties whose interests are not joint.

† See Rule 10, *ante.*

(*c*) The Ministerial Officer in charge of the record of a suit shall arrange the copies mentioned in the foregoing rules in the same order as the original papers are directed to be arranged by the rules framed by this Court.‡

‡ See Chap. IV, Rule 1, sub-rule 8.

(*d*) These papers, after being thus arranged, shall be authenticated with the seal and signature of the Court, and shall be delivered on application to the several parties mentioned above,* or their duly-constituted pleaders or mukhtars.

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[1] Amended by C. O. No. 15 of 6th August 1885.

[2] These rules were amended on the revision of the Rules in 1891.

* *i.e.*, whose interests are not joint.

(*e*) The memorandum of evidence required to be made by Section 184, Code of Civil Procedure, shall be made in English in all cases in which the judgment of the Court is written in English.

15. [*Sections 179 to 193, C. C. P.—Suits in which Government Officers are parties to be decided out of turn —*RULE *No. 13 of 3rd June 1885.*]—All suits in Civil Courts, for the prosecution or defence of which persons in the service of Government, officers in the army, or soldiers have obtained leave of absence, shall be disposed of by such Courts as soon as they are ripe for hearing, irrespectively of the order in which they may stand in the register, and as speedily as may be consistent with the due administration of justice.

Affidavits.

16. [*Sections 194 to 197, C. C. P.—Instructions regarding the reception of Affidavits—C. O. No. 32 of 10th September 1880.*]—(*a*) In all suits and appeals evidence should, as a general rule, "be taken orally in open Court in the presence, and under the personal direction and superintendence, of the Judge" (Section 181). The power to order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing, should be exercised only under special circumstances, or, as Section 194 declares, "*for sufficient reason*," which should always be specified in the order. General orders cannot therefore be given for the admission of affidavits in suits or appeals; where any such orders have been given they should be withdrawn.

(*b*) The Courts should not require any fact to be proved by affidavit which the law directs shall be made the subject of a verified petition; and they should also be careful to enforce Section 196, and, except in interlocutory applications (see Section 195), to confine the use of affidavits to such facts as the declarant is able to prove of his own knowledge, and to refuse statements founded on mere belief.

(*c*) In determining how the costs of affidavits should be borne by the parties to the suit, a Court should have especial regard to the circumstances under which they were admitted. When an affidavit has been allowed for the convenience of one of the parties, or of one of his witnesses, the costs so incurred should not form costs in the suit and be charged against the opposite party.

17. [*Rules for the guidance of officers administering oaths to declarants in the case of affidavits under the Code of Civil Procedure.**]—(1) Every affidavit to be used in a Court of Justice shall be entitled "In the Court of at " naming such Court.

(2) If there be a cause in Court the affidavit in support of, or in opposition to, an application respecting it must also be entitled in the cause.

(3) If there be no cause in Court the affidavit shall be entitled "In the matter of the petition of ."

(4) Every affidavit containing any statement of facts shall be divided into paragraphs, and every paragraph shall be numbered consecutively and, and as nearly as may be, shall be confined to a distinct portion of the subject.

(5) Every person, other than a plaintiff or defendant in a suit in which the application is made, making any

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* Published in the *Calcutta* and *Assam Gazettes* of the 11th and 14th February, 1880, respectively.

affidavit, shall be described in such a manner as will serve to identify him clearly,—that is to say, by the statement of his full name, the name of his father, his profession or trade, and the place of his residence.

(6) When the declarant in any affidavit speaks to any fact within his own knowledge he must do so directly and positively, using the words "I affirm" (or "make oath") "and *say*."

(7) When the particular fact is not within the declarant's own knowledge, but is stated from information obtained from others, the declarant must use the expression "I am informed" (and, if such be the case, should add) "and verily believe it to be true," or he may state the source from which he received such information. When the statement rests on facts disclosed in documents, or copies of documents, procured from any Court of Justice or other source, the deponent shall state what is the source from which they were procured, and his information, or belief, as to the truth of the facts disclosed in such documents.

(8) Every person making an affidavit, if not personally known to the Commissioner, shall be identified to the Commissioner by some person known to him, and the Commissioner shall specify at the foot of the petition, or of the affidavit (as the case may be), the name and description of him by whom the identification is made, as well as the time and place of the identification, and of the making of the affidavit.

(9) If any person making an affidavit shall be ignorant of the language in which it is written, or shall appear to the Commissioner to be illiterate, or not fully to understand the contents of the affidavit, the Commissioner shall cause the affidavit to be read and explained to him in a language which both he and the Commissioner under-

stand, either doing so himself, or causing another person to do so in his presence. When any affidavit is read and explained as herein provided, the Commissioner shall certify in writing at the foot of the affidavit that it has been so read or explained, and that the declarant seemed perfectly to understand the same at the time of making the affidavit.

(10) In administering oaths and affirmations to declarants the Commissioner shall be guided by the provisions of "The Oaths Act," X of 1873. The provisions of Rule XIX apply, *mutatis mutandis*, to affidavits under the present rules, and the following forms are to be used :—

Oath.

I swear that this my declaration is true, that it conceals nothing, and that no part of it is false, so help me God.

Affirmation.

I solemnly declare that this my declaration is true, that it conceals nothing, and that no part of it is false.

18. [*Section 197, C. C. P.—Instructions to District Judges as to the exercise of their power to appoint Commissioners to administer oaths on affidavits—*RULE *No. 19 of 26th July 1881*].—District Judges must exercise carefully and tentatively the power vested in them,* under Clause (*c*), Section 197, C. C. P., of appointing Commissioners to administer oaths on affidavits under Act XIV of 1882. Only such of the Munsifs' Sarrishtadars as the District Judge may consider trustworthy and capable should be vested with the function of administering such oaths. When there are two or more Courts at one station, only one Sarrishtadar

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* *Vide* Notification, *Calcutta Gazette*, of the 6th July 1881, Part I, page 694.

For the charges for affidavits, see Chap. III, Rule I, page 87.

should be appointed, and at the Sudder Station the Judge's own Sarrishtadar should be the only Commissioner; but should the latter take leave, instead of his *locum tenens* being appointed the Subordinate Judge's Sarrishtadar should be vested with these powers.

19. [*Oaths Act, X of 1873. RULES. Forms of Oaths, &c., for Witnesses, Interpreters, and Jurors—C. O. Crim. No. 12 of 7th June 1873.*]—(*a*) The following forms of oaths and affirmations are prescribed by the High Court of Judicature at Fort William in Bengal under Section 7, Act X of 1873.

(*b*) The same forms shall be used in Criminal as in Civil cases.

(*c*) Christian witnesses, interpreters, and jurors, to whom oaths are administered, are to be sworn upon the New Testament.

(*d*) In other cases the oaths are to be administered upon such symbol, or accompanied by such act as may be usual, or as such witness, interpreter, or juror may acknowledge to be binding on his conscience.

FOR WITNESSES.

Oath.

I swear that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

So help me God.

Affirmation.

I solemnly declare that the evidence which I shall give in this case shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

FOR INTERPRETERS.

Oath.

I swear that I will well and truly interpret, translate, and explain all questions and answers, and all such matters as the Court may require me to interpret, translate, and explain.

So help me God.

Affirmation.

I solemnly declare that I will well and truly interpret, translate, and explain all questions and answers, and all such matters as the Court may require me to interpret, translate, or explain.

FOR JURORS.

Oath.

I swear that I will justly and truly try and determine the questions submitted to the jury in this case, and will give a true verdict according to the evidence.

So help me God.

Affirmation.

I solemnly declare that I will justly and truly try and determine the questions submitted to the Jury in this case, and will give a true verdict according to the evidence.

Judgment and Decree.

20.* [*Sections 206 to 216, C. C. P.—Decree to be specific and clear—C. O. No. 22 of 19th July 1867.*]—(*a*) The lower Civil Courts should be careful to draw up their decrees in such a manner that, in order to the understanding and execution of them, it may not be necessary to refer to any other document or paper whatever, except when such document, *e.g.*, a map, &c., shall have been prepared by the direction of the Court, or shall have been accepted by the Court, and shall be necessary to illustrate the terms of the order passed. Any such document shall be attached to, and shall form part of, the decree, and shall be signed by the Judge.

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* Amended on the revision of the rules in 1891.

(*b*) The decrees of Mofussil Courts are often very far from "specifying clearly the relief granted or other determination of the suit," as prescribed by section 206 of the Code of Civil Procedure. Very frequently the Court is found to have ordered "that the suit be decreed in favor of the plaintiff with costs and interest," or "that the plaintiff obtain possession of the property mentioned in the plaint," while the commencement of the decree, instead of containing (as directed) the particulars of the claim as stated in the Register of the suit, contains merely a vague description of the nature of the claim, such as "a claim for possession of lakhiraj and with wasilat, &c."

(*c*) Attentive study of sections 206 to 216 of the Code will in most cases supply the Judges with the precise direction required in framing decrees; and even where the case does not seem to be expressly provided for the principles there given will apply.

(*d*) The pleaders on both sides shall be required to affix their signatures to the decrees of the Mofussil Courts before they are signed by the Judges. Where any pleader shall not have signed the decree, the cause of his failing or refusing to sign shall be certified on the decree.

(*e*) [*C. O. 14, dated 29th November 1886.*]—The date on which a decree is signed shall also be noted thereon by the Judge at the same time as he affixes his signature.

Execution of Decrees.

21. [*Section 223,*[1] *C. C. P.—Copies of decrees to be forwarded under Section 223 at the expense of the decree-*

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[1] The provisions of Clause C. of Section 224, C. C. P., should not be overlooked by Courts sending decrees for execution by another Court under Section 223, C. C. P. (*G. L. No. 2 of 2nd February 1885*).

holders—C. O. No. 20 of 4th September 1865.]—The practice, wherever it may prevail, of forwarding copies of decrees and certificates under Section 223 of the Code of Civil Procedure *on the public service* is prohibited. Whenever a Court in one district may transmit a certificate and a copy of a decree for execution in another district, the transmitting Court shall require from the party desiring its assistance stamps sufficient, not only to pay the postage to the District Court, but also to forward the envelope to the subordinate Court in which the decree is to be executed, and shall enclose these last in the letter giving cover to the certificate and copy of the decree, and copy of any order that may have been made for execution.[1]

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[1] With respect to the execution in Native States of decrees obtained from British tribunals, the following instructions have been embodied by the Government of India in Resolution No. 240 of the 27th August 1868 (C. O. No. 4 of 8th December 1868):—

(1) The rule contemplated for cases and States where regular tribunals exist (*vide* Resolution of Government of India, No. 23 of 31st January 1867) will still be maintained. Holders of decrees obtained in British tribunals must present them, themselves or by their lawfully constituted agents, for execution before such tribunals, without in any way invoking the aid or relying on the influence of the British Representative. The question of reciprocity in the execution of decrees is one which the tribunals of the respective Governments must decide.

(2) Where there are no regular tribunals the Political Representative will, as a general rule, abstain from putting any pressure on, or using his influence with, the Chief or the Durbar, in order to the execution of a decree obtained in British territory. Nor ought this determination to inflict any real hardship on claimants who successfully have resorted to our Courts for redress.

(3) In many cases where large sums of money are claimed from debtors resident in British territory, such persons, if they abscond into Native States, leave either property or partners behind them in the said British territory, against whom execution may at once be taken out; and in all cases, where plaintiffs apprehend that a defaulting debtor may abscond, or may convey away his property, the provisions of the Code of Civil Procedure regarding the attachment of property while a suit is pending afford to all litigants, who are properly alive to their rights and position during litigation, a fair and adequate security against eventual loss by evasion or default.

(4) There may occur, however, some flagrant cases in which a defaulting and absconding debtor possesses large means within the limits of Native territories, in which the default and evasion may be marked by acts of gross fraud and flagrant dishonesty, and in which, by deceit or artifice, he may

22. [*Section 229 B.*[1], *C. C. P. Execution in British India of Decrees of the Civil and Revenue Courts of Cooch Behar—C. O. No. 17 of 19th April 1879.*]—Under Section 229 B. of the Code of Civil Procedure the Governor-General in Council is pleased to declare that decrees of the Civil and Revenue Courts of Cooch Behar may be executed in British India, as if they had been made by the Courts of British India.

The following Certificate shows the mode in which copies of judicial records are certified in the State of Cooch Behar[2]:—

I hereby certify that the mode in which copies of judicial records of the Cooch Behar Courts are certified as correct copies is as follows:—

A copy of the judicial record being made, the words "true copy" are written at the top of the copy, and it is signed by the

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have reduced the honest creditor to ruin, or have left him without the slightest prospect of redress; and there may be other peculiar circumstances which, in the judgment of the Political Officer, might render interposition on his part expedient. In such cases the representative of the British power may, when applied to, most properly use his discretion in pointing out to the Chief and the Durbar the special circumstances which render intervention desirable, and may urge them to compel the defaulter to discharge his liabilities. In cases of remarkable difficulty or doubt the Political Authority may, if he thinks fit, refer the matter to Government for orders before taking any action. But it must be clearly understood that these cases will form the exception, and not the rule, and that the Political Authority will only adopt this course when he is fully satisfied that the case is distinguished by exceptional circumstances, and that the claimant has been the victim of fraud and trickery, and has, practically, no other means of obtaining his rights.

(5) In such marked cases the Governor-General in Council does not doubt that the moral influence and advice of the British Official may be properly exerted, and that the Durbar will recognise the propriety of insisting that the evading debtor shall come to some satisfactory arrangement with his creditors.

(6) The Resolution of the 31st of January is hereby cancelled, and all officers will henceforth be guided by the principles as above laid down.

NOTE.—[1] Section 434, C. C. P., under which this declaration was issued has, by Section 39 of Act VII of 1888, been changed to 229 B.

[2] The object of this second notification is to obviate the difficulty which might be experienced if, under section 86 of the Evidence Act, a certificate were to be required in each case of the manner in which documents are certified in Cooch Behar.—(*C. O. No. 17 of 19th April 1879.*)

presiding officer (or, in the case of the Deputy Commissioner's Court, by the Head Clerk and Sarrishtadar) of the Court in which the original document is recorded, his official designation being added below his signature, and the seal of the Court affixed, thus—

True copy,

A. B.,

Dewanny Ahilkar of Cooch Behar.

Seal of the Court.

23. [*Chapter XIX, C. C. P.—Execution of decrees*—C. O. No. 11A. of 30th August 1890.*]—The High Court has much reason to believe that the Civil Courts not infrequently "strike off" cases relating to the execution of decrees more for the sake of causing the disappearance of a particular case from periodical returns of pending cases, than as a proper order putting an end to an application for execution. It has also been found that such cases are not infrequently restored to the files without any special reason, except as an acknowledgment that the former order was merely formal. Such a practice cannot but be regarded as an attempt to misrepresent the state of business before a Court, and will subject any officer to punishment. The Judges are aware that, from pressure of business in the trial of original suits, Subordinate Judicial Officers are in great difficulty in keeping their execution files under proper control, but the High Court must insist upon greater regularity in dealing with cases of execution for which one day in every week should be specially reserved.

Proceedings connected with the execution of a decree should be dealt with under the same procedure as original suits, and cannot be put an end to or revived save under the procedure expressly laid down by law.

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* Published in the *Calcutta Gazette* of the 17th September 1890, Part I, page 930, and in the *Assam Gazette* of the 27th September 1890, Part III, page 571.

24. [*Sections 237 and 238, C. C. P.—*RULES. *Further particulars to be inserted in applications for the attachment of Revenue-paying and Revenue-free lands—C. O. No. 10 of 27th March 1879.*]—(*a*) When the application is for the attachment of any revenue-free lands, or of any share in such lands, then, in addition to the particulars required by Section 237 of the Act, the area of the whole revenue-free tenure shall be stated in the application in every case in which this information has been recorded in the Collector's register.

(*b*) When an application is made to a Civil Court for the attachment of an estate, or share of an estate, borne on the revenue-roll of a district, the annual amount of revenue for which the whole estate is liable shall be stated in addition to the particulars required by Section 238 of the Act to be specified in the authenticated extract from the register of the Collector's Office.

25. [*Sections 266 to 285, C. C. P.—Attachment of property in execution.*]—(*a*) [*Attachment of movable property, Section 269, C. C. P.—C. O. No. 19 of 28th April 1879.*]—When the officer who effects an attachment under Section 269 of the Code of Civil Procedure believes that the property attached does not exceed twenty rupees in value he shall inform the debtor or, in his absence, any present adult member of his family, that it will be sold by public auction at once, without the issue of any proclamation under Section 287. If the decree-holder or the judgment-debtor, or any person on his behalf, objects to the adoption of the course, the attaching officer shall convoke a punchayet of not less than three respectable adult male inhabitants of the

neighbourhood, of whom ordinarily the headman of the village should be one, and shall require them to assess the value of the property. If they determine that it exceeds twenty rupees in value, he shall deal with it under the rules* framed by the Lieutenant-Governor of Bengal; otherwise he shall forthwith proceed to sell it by auction, after giving to intending purchasers such reasonable notice as is possible under the circumstances of the case.

(*b*) At the time of making an application under Section 230 of the Code of Civil Procedure for the attachment of movable property in the possession of the judgment-debtor, the decree-holder shall pay into Court the costs of issuing the proclamation of sale under Section 287 of the same Code, unless the value of the property to be attached is alleged by him not to exceed twenty rupees in value. In this case, if the value of the property as determined by the above rule is found to exceed twenty rupees, the Court shall require the decree-holder to pay the costs of the proclamation immediately on receipt of the notice of attachment.

(*c*) [*Attachment of estates—C. O. No. 2 of 10th January 1871.*]—All orders made by Civil Courts for the attachment of estates and shares of estates shall be immediately notified to the Collector of the district within which such estates or shares of estates are situated.

Explanation.—The above rule does not, however, supersede the written order, which is required by paragraph 3 of Section 274 of the Civil Procedure Code to be fixed up in the office of the Collector when land or any interest in land is attached.—(*C. O. No. 3 of 8th February 1876*).

(*d*) [*Withdrawal of such attachment—C. O. No. 3 of 8th February 1876.*]—Whenever the attachment of an estate or share in an estate is legally and formally withdrawn, such withdrawal shall in like manner be notified to the Collector.

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* Published in the *Calcutta Gazette*, dated the 1st September 1886, Part I, page 966, and in the *Assam Gazette*, dated the 4th September 1886, Part I, page 742. See post.

(*e*) *Whenever any estate or share of an estate has been sold by any Civil Court in execution of a decree, such sale shall be notified by the Court to the Collector of the district in which such estate or share of an estate is situated, after the same shall have been confirmed under Section 314 of the Code of Civil Procedure.

RULES made by the Local Government, under Section 269 of the Code of Civil Procedure, for the Maintenance and Custody, while under attachment, of Live-stock and other Movable Property above the value of twenty rupees.

I. The attaching officer shall give the debtor, or, in his absence, any present adult member of his family, the option of having the attached property kept on his premises, or in some other place in the village, on condition that a suitable place for its safe custody be provided by him.

II. If no such suitable place be provided, the officer shall remove the property to the Court at the decree-holder's expense. In the event of the decree-holder failing to provide the necessary funds, the attachment shall be withdrawn.

III. Whenever attached property is kept at the place where it is attached, the officer shall forthwith report the fact to the Court, and shall with his report forward an accurate list of the property seized, such that the Court may thereon at once issue the proclamation of sale prescribed by Section 287.

IV. If the debtor shall give his consent in writing to the sale of the property without awaiting the expiry of the term prescribed in Section 290, the officer shall receive the same and forward it without delay to the Court for its orders.

V. When property is removed to the Court it shall be kept by the Nazir on his own sole responsibility in such place as may be approved by the Court. If the property cannot, from its nature or bulk, be conveniently kept on the Court premises, or in the personal custody of the Nazir, he may, subject to approval by the Court, make such arrangements for its safe custody under his own supervision as may be most convenient and economical, and the Court may fix the remuneration to be allowed to the persons, not being officers of the Court, in whose custody the property is kept.

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* Inserted by Rule No. 13, dated the 24th September 1886.

VI. When property remains at the place where it is attached in the custody of the attaching officer, and any person other than the judgment-debtor shall claim the same, or any part of it, the officer shall nevertheless, unless the decree-holder desires to withdraw the attachment of the property so claimed, remain in possession, and shall direct the claimant to prefer his claim to the Court.

VII. If the decree-holder shall withdraw an attachment, or if it shall be withdrawn under Rule II or Rule IX, the attaching officer shall inform the debtor, or, in his absence, an adult member of his family, that the property is at his disposal.

In the absence of any person to take charge of it, or in case the officer shall have had notice of claim by a person other than the judgment-debtor, the officer shall, if the property has been moved from the premises in which it was seized, replace it where it was found at the time of seizure.

VIII. Whenever live-stock is kept at the place where it has been attached, the judgment-debtor shall be at liberty to undertake the due feeding and tending of it under the supervision of the attaching officer; but the latter shall, if required by the decree-holder, and on his paying for the same at a rate to be fixed by the District Judge, and subject to the orders of the Court under whose orders the attachment is made, engage the services of as many persons as may be necessary for the safe custody of it.

IX. In the event of the judgment-debtor failing to feed attached live stock, the officer shall call upon the decree-holder either to pay for feeding it on the spot, or for the expenses attending its removal to the Court. If the decree-holder shall fail to provide for either the officer shall report the matter to the Court without delay.

X. When attached live-stock is brought to Court the Nazir shall be responsible for the safe custody and proper feeding of it so long as the attachment continues.

XI. If there be a Government pound in or near the place where the Court is held, the Nazir shall be at liberty to place in it such attached live-stock as can be properly there kept, in which case the pound-keeper will be responsible for the property to the Nazir, and shall receive the same rates for accommodation and maintenance thereof as are paid in respect of impounded cattle of the same description.

XII. If there be no pound available, or if, in the opinion of the Court, it be inconvenient to lodge the attached live-stock in the pound, the Nazir may keep it in his own premises, or he may entrust it to any person selected by himself and approved by the Court. The Nazir will in all cases remain responsible for the custody of the property.

XIII. Each Court shall from time to time fix the rates to be allowed for the custody and maintenance of the various descriptions of live-stock with reference to seasons and local circumstances. The District Judge may make any alteration he deems fit in the rates prescribed by Courts subordinate to him. Where there are two or more Courts in the same place the rates shall be the same for each Court.

XIV. The officer deputed to attach movable property should be furnished with a certificate stating the period for which the Court-fee required under Rule (1), Article 4, Parts II, III, and IV of the Court-fee Rules has been paid, and he shall give notice thereof to the judgment-debtor or other person at whose instance he remains in possession at the place of attachment, and if such person shall desire that the property shall remain at that place for a longer period, he shall be bound to pay into Court in advance the further fee as required by *Rule IV.*

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26. [*Section 287, C. C. P.—Rules* for the guidance of the Courts in the exercise of their duties under Section 287 of the Civil Procedure Code— C. O. No. 12, dated the 22nd September 1886.*]—(*a*) Every application under Section 284 of the Code of Civil Procedure for the sale of immovable property under attachment other than a tenure or holding to be sold in execution of a decree for arrears due in respect thereof under the provisions of the Bengal Tenancy Act (VIII of 1885), shall be in writing, and shall

Section 65.

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* These rules came in operation on the 1st October 1886.

be verified, in the manner prescribed by the Code for the verification of plaints, by the holder of the decree in execution of which the property is to be sold, or by some other person (approved of by the Court) if the Court be satisfied that he is acquainted with the facts mentioned in it.

(*b*) Every such application shall state everything known, or believed by the person verifying the same to exist, which relates to the nature or affects the value of the property to be sold, and shall further state that he is not possessed of any further information regarding them.

(*c*) Every person applying under Section 162 of the Bengal Tenancy Act (VIII of 1885) for the simultaneous attachment and sale of a tenure or a holding of a raiyat holding at fixed rates, or applying only for the sale of such tenure or holding already under attachment, shall, in such application, specify the registered and notified encumbrances subject to which the tenure or holding is to be sold. Such specification shall be verified, in the manner prescribed by the Code of Civil Procedure for plaints, by the holder of the decree in execution of which the tenure or holding is to be sold, or by some other person (approved of by the Court) if the Court be satisfied that he is acquainted with the facts mentioned in it.

(*d*) If, after the sale proclamation has been published, any written communication regarding the property to be sold shall be received by the Court, which it considers material for purchasers to know, the Court shall cause the same to be read out when the property is put up for sale.

(*e*) If the property to be sold is an estate or a share of an estate paying revenue to Government, and the revenue payable on account of such estate or share of an estate exceeds the sum of R500, the proclamation of sale shall be published in the local Official Gazette.

The rule shall not interfere with the discretion of the Court under Section 289 of the Procedure Code in directing, whenever it thinks fit, a similar publication of the intended sale of any other property or properties attached in execution of a decree.

(*f*) Subject to the proviso in Section 269 of the Code of Civil Procedure sales of property in execution of decrees in the several Courts of each district (not being Courts of Small Causes) shall be held and commence at a certain day in each month; such day to be fixed by the District Judge or other principal Judge in the district, as regards his own Court and all other Courts sitting at the same place as his own; but as regards subordinate Courts sitting at other places within his district, he shall fix the day in consultation with the Judges of those Courts: Provided that where two or more of such Courts are stationed in the same place the District Judge may fix the time for sales in consultation with only one of them.

(*g*) All property, except property of the nature specified in the proviso to Section 269, Code of Civil Procedure, or Clause (*k*) of these rules, to be sold at each place of sale, shall be entered in lists for each place, the lists of movable and immovable properties being distinct. The lists shall be so prepared as to contain in regular order each item of property to be sold in execution of the decrees of each Court severally. Such lists shall be stuck up in the Courts where the sales are to be held, in the case of movables not less than 7 days, and in the case of immovables not less than 15 days, before the date fixed for the commencement of each set of sales.

(*h*) At the stated hour upon each fixed date the sales shall be commenced, and shall be carried on in the order stated in the lists above mentioned. No sale shall continue after sunset; but the sales shall be held from day to day, except when the Court is closed and until the lists are finished: Provided that this rule shall not interfere with the adjournment of any particular sale according to law.

(*i*) The same days shall not ordinarily be fixed for the sale of movable and of immovable property.

(*j*) Except as regards property of the kind mentioned in the next succeeding rule, sales in execution of decrees for all Courts sitting in sudder stations shall be held in the Court of the District Judge or other chief Judicial Officer. If, in other places, there are two or more subordinate Courts all the sales in that place shall be held in such one of the Courts as may be selected by the District Judge. Where there is only one Court the sales shall be held in that Court: Provided that the Court executing a decree may, if it see fit, for reasons to be specified in writing, direct, in the interest of the parties, that the sale be held at any other time and place within its jurisdiction, and when acting under this last-mentioned proviso shall, except for good reason to the contrary, give the preference as regards choice of time and place to the wishes of the judgment-debtor.

(*k*) All sales of live-stock, agricultural produce, articles of local manufacture, and of other things commonly sold at country markets shall, unless the Court otherwise direct, be held at such market in the neighbourhood of the place where the goods were attached, as may appear likely to be for the greatest advantage of the debtor, regard being had to the prospect of good prices and to the saving of expense in conveyance and carriage.

27. [*Sections 304 to 307, C. C. P.—Sale of Immovable Property.*]—(*a*) [*Particulars to be inserted in Sale Certificates—C. O. No. 3 of 6th February 1877.*]—Judicial Officers should instruct their subordinates to insert in all certificates of sale of immovable property as accurate a description of the property sold as the nature of each case will admit of.

(*b*) [*C. O. No. 12 of 21st February 1880.*]—The following particulars should be inserted in every case:—

(1) the "addition" (as defined in Section 3 of Act III of 1877) of the person who is declared to be the purchaser;

(2) particulars sufficient to identify the property, as required in Section 22 of Act III of 1877;

(3) the name of each registration sub-district in which any part of the property is situate.

As the law requires the original certificates to be stamped, the Courts shall not forward copies of the certificates to the Registry Office until the purchaser has tendered the necessary stamp, and the original certificate has been duly drawn up. On each copy the amount of stamp duty paid on the original certificate under No. 16, Schedule I of the Stamp Act (I of 1879) must be noted. Under No. 9, Schedule II of the same Act, the copies do not themselves require to be stamped. In their preparation, however, forms printed on paper of a uniform size, and having a margin for binding, must be used.

(*c*) [*Sale of buildings in Military Cantonments—C. O. No. 101 of 30th June 1857.*]—Whenever the Civil Courts may have occasion to sell, in execution of a decree or other order, any house or other building situated within the limits of a military cantonment or station, they shall, on confirming the sale, forward a copy of the Sale Certificate to the Commanding Officer of such cantonment or station for his information and for record in the Brigade or other proper office.

28. [*Section 336, C. C. P.—Arrest of Railway servant—C. O. No. 23 of 15th June 1878.*]—As inconvenience and danger to the public are likely to arise from the arrest under civil process of Railway servants, unless such previous notice be given as may enable measures to be taken to provide for the proper performance of their duties, all warrants issued by any Civil Court for the arrest of Railway servants should be entrusted for execution to a selected peon, who shall, if he find on proceeding to execute the warrant that the immediate arrest of the Railway servant would occasion risk or inconvenience, make all arrangements necessary to prevent escape, and defer removing the person arrested from his post for at least twenty-four hours, giving immediate notice of the arrest to the nearest Station Master.

Commissions.

29. [*Section 386, C. C. P.—RULES*[1] *for the issue and execution of Commissions.*]—The following rules shall be applicable to commissions other than those issued under the provisions of Section 385 of the Code of Civil Procedure :—

(*a*) Every order directing the issue of a commission for the examination of a witness under Section 386 of

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[1] Amended by C. O. No. 2 of 21st February 1891.

NOTE.—*The rules and instructions with regard to Commissions printed in the following pages 36—45 are at present under re-consideration by the High Court.*

Act XIV of 1882 shall state whether the commission is to be addressed to a Court, or to a pleader.

(*b*) Before the issue of the commission, the party at whose instance the witness is to be examined shall pay into Court a fee[1] of R4 for each witness to be examined, if the Court issuing the commission be that of a Munsiff or a Court of Small Causes; and of R10 for each witness, if it be a higher Court.

(*c*) All the fees above mentioned shall be paid in Court-fee stamps if the commission is to issue to a Court. If it is to issue to a pleader the additional fee shall be received in cash and transmitted, together with the commission to the Court in which the Commissioner is practising as a pleader, and, when such Court is the High Court, to the Registrar.

(*d*) The Court or Officer receiving a commission issued to a pleader shall immediately deliver it to him (unless he refuses to act). If the witness or witnesses appear before him and are examined, so that he can make a return within the time limited, the additional fee in respect of the number of witnesses actually examined shall, on his returning the commission duly executed, be paid over to him; any surplus shall be sent back, together with the commission, to the Court which issued it, and shall be refunded by such Court to the party who paid it. If, from the absence of a witness or other good cause, the Commissioner cannot make a return within the time limited, he must obtain an extension of time from the Court which issued the commission.

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[1] Fees transmitted to the Registrar, as provided above, shall be remitted by money order payable to the Accountant, Office of Registrar, High Court, Appellate Jurisdiction. (*Rule No. 7 of 13th April 1885.*)

(*e**) In any case in which a commission has issued to a Court as provided in clause (*c*), and has been cancelled before execution, it is at the discretion of the Court issuing the commission, under the authority vested in it by the Government of India in Financial Resolution No. 1702, dated 20th June 1884, to allow a refund of the amount of the Commissioner's fees paid in Court-fee stamps. The fees so refunded shall be the additional fees prescribed in clause (*b*) for each witness.

(*f**) All applications for refunds, whether under clause (*d*) or under clause (*e*), must be made within three years of the time when the right to the refund accrues. Applications made after the expiry of three years cannot be granted.

(*g*) [*List of Pleaders to be submitted annually—C. O. No. 11 of 12th February 1880.*]—On the 15th of December of each year every District Judge shall submit to the High Court a list of all pleaders practising in the Courts in his district who are willing to execute commissions under the preceding rules during the ensuing year. From the lists so submitted a general list shall be compiled by the Registrar of the High Court, and copies thereof shall be supplied to all District Judges for use in their own Court and the Courts subordinate thereto.

(*h*) [*Certain Commissions to whom to issue—C. O. No. 7 of 20th February 1872.*]—Commissions for the examination of witnesses resident beyond the jurisdiction of the Court issuing the commission, and not within the local jurisdiction of the High Court on its Original Side, ought not ordinarily to be directed to a District Court, but to the Munsiff's Court within whose jurisdiction the witness resides. If commissions are, as a rule, directed to the courts of first instance with narrow local limits, the labour of examination will, on the one hand, be divided so as not to accumulate upon the District Court, and, on the other hand, the witness will have the convenience of being able to give his evidence by attending the nearest Court.

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* Added by Rule No. 9 of 18th August 1884.

(*i*) [*Commissions to Oudh to whom to be addressed—C. O. No. 11 of 5th June 1876.*]—Commissions under Section 386 of the Civil Procedure Code should not be addressed by inferior Courts in the Lower Provinces to the Judicial Commissioner of Oudh. They should be addressed either to the nearest local Court, if known, or to the Court of the Deputy Commissioner which is in Oudh, the District Court, or, in Lucknow, to that of the Civil Judge.

(*j*) *Commissions for the examination of Witnesses at Hyderabad, &c.—Rule No. 3 of 30th January 1882.*]—The procedure laid down in the following Circular, issued by the Resident at Hyderabad, shall be adopted by all Civil Judicial Officers in sending commissions for the examination for witnesses at Hyderabad and Secunderabad :—

Book Circular No. 12 of 1881, dated Hyderabad Residency, the 13th September 1881.

With a view to secure uniformity of practice in respect of commissions issued by Civil, Criminal, or Revenue Courts in Berar, for the examination of witnesses at Hyderabad, the following instructions are issued for information and guidance :—

As a rule all such commissions should be addressed to "The First Assistant Resident, or such other officer or officers as he may appoint ;" and all remittances sent with such commissions should be made payable to "The First Assistant Resident," without giving the name of the gentleman holding the appointment.

No commission should ordinarily be addressed to the Resident, nor should any remittance be made payable to him.

No commission should be sent direct to H. H. the Nizam's Minister without the intervention of the Residency Office.

Distant dates should be fixed for the return of commissions; and names of the witnesses to be examined should be given in full, with their correct address. The street or lane where they reside should, so far as is possible, be ascertained and stated.

Commissions for examination of witnesses residing at Secunderabad (Hussen Sagar) or at Bolaram (Alwal) should be invariably addressed to the Cantonment Magistrate, Secunderabad, and the Superintendent of Police Bolaram, respectively; and remittances in such cases should be made payable to the officer to whom the commission is addressed.

Remittances intended for the First Assistant Resident should be made payable at Hyderabad, and not at Secunderabad.

(*k.*) [*Commissions how to be executed—C. O. No. 33 of 10th September 1880.*]—On receipt of a commission issued under Section 386 of the Code of Civil Procedure for the examination of a witness, the Commissioner should determine when he will proceed to execute it—whether (1) at the residence of the witness, or (2) at some convenient locality in the neighbourhood of the Court, or (3), if the Commissioner be a Judicial Officer, whether the witness shall attend in the Court, or in the premises of the Court of such officer—proper arrangements being made, if necessary, for due privacy. As a rule a person to be examined by commission should attend the Commissioner at the particular time and place specified in the notice issued; but discretion should be exercised in the examination of those whose attendance is ordinarily excused, such as females, persons unable to be removed from their houses owing to old age, sickness, or other bodily infirmity, or persons of rank exempted by an order under Section 641 from personal attendance in Court. In such cases the Commissioner should endeavour to discharge his duty with due regard to the special circumstances and condition of the particular witness. Where the Commissioner is a Judicial Officer, however much he may desire to examine a witness at his or her residence, it may often be absolutely impossible for him to do so without neglecting other and more important public duties; but when the Commissioner receives remuneration for his services, he should be prepared to meet the convenience of the witness as far as is possible and reasonable. No Commissioner can delegate the performance of his duties as such to another person.

30. [*Chapter XXV, C. C. P.—*Rules[1] *for the payment of Commissioner's travelling and other expenses in addition to their fees—Rule No. 5 of 19th March 1885.*]—(*a*) All necessary expenses incurred by a Commissioner appointed under the provisions of Chapter XXV of the Code of Civil Procedure shall be paid out of the money, if any, deposited in Court under Section 397, Code of Civil Procedure.

(*b*) If no money has been paid into Court under Section 397, Code of Civil Procedure, then the necessary expenses of the Commissioner shall be paid out of the surplus, if any, of the fees paid into Court, under Rule 29, Clauses (*b*) and (*c*) of this Chapter.

(*c*) Such necessary expenses shall be paid, whether or no the commission has been wholly executed.

(*d*) If the Commissioner be a Judicial Officer,[2] the amount so paid will be credited to Government, and he will be recouped his travelling expenses by drawing against Government under the Travelling Allowance

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[1] Published in the *Calcutta Gazette* of the 25th February 1885, Part I, page 147, and the *Assam Gazette* of the 7th March 1885, Part III, page 97.

[2] *Vide* Resolution, Government of India, No. 10—1101 of 21st July 1875.

Code. If the Commissioner be some person other than a Judicial Officer, he will receive the amount in cash.

(*e*) With reference to Section 397, Code of Civil Procedure, Judicial Officers should bear in mind that a Commissioner would be justified in refusing to execute a commission which is unaccompanied with cash sufficient to pay his fee as well as all his necessary expenses.

31. [*Sections 392 to 400, C. C. P.—Instructions as to the issue of Commissions under Section 392—C.O. No. 25 of 25th August 1870.*]—(*a*) The responsibility ordering an enquiry under Section 392 of the Code of Civil Procedure rests entirely with the Court before which the suit is pending. Such Court may order such inquiry when it deems a local investigation to be necessary or proper for the purpose of elucidating the matters in dispute, or of ascertaining the amount of any mesne profits or damages or annual net profits. The Court is therefore to consider, when it is moved to order any such inquiry, whether the nature of the case calls for that particular mode of inquiry; whether the application has been made at a proper stage of the proceedings; whether the importance of the case warrants that expense being imposed upon the parties; and whether such inquiry may not be attended with a delay which will counterbalance the advantage to be derived from it.

(*b*) If the inquiry is ordered it is necessary to define the points on which the report of the Ameen is required, and upon which it is to be evidence; and those points ought usually to be excluded which can conveniently, and ought to be substantiated by the parties by evidence at the trial.

(*c*) A time should then be fixed for making the return, and it should be so fixed that the Ameen may reasonably be expected to comply exactly with the order; and for this purpose the Court may ascertain what the Ameen's engagements are, and arrange accordingly; and it is the especial duty of the District Judge, by attention to the weekly returns of work submitted by the Ameens, to take care that no improper delay occurs in executing commissions entrusted to them. If the instructions have been precise and the Ameens understand their business, they will usually keep within the bounds which have been set for them.

(*d*) It is a very common practice for the Courts to receive and even to invite formal exceptions and objections to the report. It will be observed that Section 393 does not contemplate this, but provides merely that " the Court, or with the permission of the Court, any of the parties to the suit may examine the Commissioner personally in open Court touching any of the matters referred to him or mentioned in his report, or as to the manner in which he has made the investigation."

(*e*) The practice of encouraging petitions of objection leads to the making of charges, frequently quite unfounded, of partiality or corruption against the Ameens. Vakeels who lend themselves to the presentation of these petitions ought to be made to understand the professional impropriety of making such charges without satisfying themselves that there is reasonable and probable ground for them. The report of a Commissioner should be treated, as the Code points out, as evidence in the cause, and should be subject, like the other evidence therein, to oral comment by the Pleaders, and, generally speaking, to that only.

(*f*) In order to a more careful observance of these principles by the Subordinate Civil Courts the following general rules are prescribed :—

(1) Whenever a Subordinate Civil Court, either of its own motion or on the application of a party, directs a local inquiry or an inquiry into accounts, the order for such inquiry shall be drawn up in the handwriting of the Judge of such Court, and shall contain the following matters :—

1st.—Whether the inquiry is directed by the Court *proprio motu*, or upon an application, and if on an application from which party.

2nd.—What the point is which requires elucidation or ascertainment in that particular way.

3rd.—Why such matter could not be proved or ascertained in the ordinary way by producing documents at the proper time and witnesses at the trial.

4th.—The instructions given to the Commissioner.

(2) Where the Court issuing such commission is subordinate to the District Judge, a copy of such order shall be forthwith submitted to him, and he will note thereon the fact of complete or partial compliance with the foregoing rule.

(3) In all orders for investigation by a Commissioner under Section 392 of the Code of Civil Procedure these rules shall be cited, as well as the Section of the Code.

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[1] Commissions for local investigations referred to above may issue only to persons formally appointed Civil Court Amins, and therefore having a permanent status as Commissioners of the Courts. The employment by Civil Courts of occasional Commissioners, known under the common designation of "Ticca Amins," is strictly prohibited. If it should appear to the Judge of any District that there should be an increase in the number of authorized Civil Court Amins available for employment he may submit a proposal to that effect. But unless sufficient cause can be shown for it any such proposal to augment the staff will not be entertained.—(*C. O. No. 28 of 8th September 1870.*)

For expenses of Civil Court Ameens, &c., see page 89.

(4) The Judge shall certify in his Annual Report the mode in which his subordinates have complied with these rules.[1]

(*g*) [*C. O. No. 32 of the 21st December 1881.*]—Under Section 392, Code of Civil Procedure, the Lieutenant-Governor is pleased to order[1] that when in any suit or proceeding a local investigation for any of the purposes specified in that Section is deemed necessary, the Court shall, before issuing a commission, apply to the District Judge for his instructions regarding the particular person whose services are available for that duty, and shall issue a commission in accordance with his nomination.

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[1] *Vide* Notification of the 30th September 1881, *Calcutta Gazette,* Part I, page 915, for the 5th October 1881.

Suits by Paupers.

32. [*Sections 401 to 415, C. C. P.—Instruction as to Pauper Suits.*]—(*a*) [*C. O. No. 4 of 16th February 1878.*]—Upon passing a decision in favour of a person suing *in formâ pauperis*, the Judge shall, within seven days from the day on which the decree is signed, deliver to the Government Pleader a copy of such decree.

Suits by or against Government or Public Officers.

33. [*Sections 416 to 429, C. C. P.—Suits by or against Government or Government Officers.*]—(*a*) [*C. O. No. 23 of 25th July 1871.*]—In every case in which the Government Pleader appears for the Government, whether for the Government as a party on its own account, or for the Government as undertaking, under the provisions of Section 426 of the Code of Civil Procedure, the defence of a suit against an officer of the Government, he shall, in lieu of a vakalutnamah, file a memorandum on unstamped paper signed by him, and stating on whose behalf he appears. Such memorandum shall be, as nearly as may be, in the terms of following form :*—

Title of the suit, &c.

I, A. B., Government Pleader, appear on behalf of the Secretary of State for India in Council, (*or*, the Government of Bengal, *or, as the case may be*), Respondent (*or, &c.*) in the suit :

or, on behalf of the Government (which, under Section 426 of the Code of Civil Procedure has undertaken the defence of the suit), Respondent (*or, &c.*) in the suit.

(*b*) [*C. O. No. 17 of 6th August 1877.*]—No civil judicial authority shall pay out money to Government

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* In every case in which the Government Pleader shall appear on behalf of any officer or servant of the Government, other than cases in which the Government has, under Section 426 of the Code of Civil Procedure, undertaken the defence of the suit, such Pleader shall file a vakalutnamah in the same manner as any other Pleader.

Pleaders or persons acting on behalf of Government in any suit, unless they produce an authority in writing from the Collector, or other officer representing Government, directing them to apply to the Court for such money.

Appointment of Receivers.

34. [*Section 503, C. C. P.—Appointment of Manager to Revenue-paying Land—C. O. No. 9 of 12th May 1870.*]—When any Civil Court attaches landed property paying revenue to Government, and appoints a manager under Section 503 of the Code of Civil Procedure, information of the fact should always be given to the Collector without delay.

Appeals.

35. [*Chapter XLI, C. C. P.—RULES for the preparation and presentation of appeals, the issue of notice, the date of hearing, &c., in the Subordinate Appellate Courts —C. O. No. 17 of 23rd May 1871.*]—(*a*) All petitions of appeal in the Subordinate Appellate Courts shall be presented in open Court either by the party in person or his "recognized" agent, within the meaning of that term in Sections 37, 417, and 432 of the Code of Civil Procedure, or by a pleader.

(*b*) In every case in which the petition is presented by a pleader, the grounds of appeal shall be drawn and signed by a pleader, who, at the foot of the petition of appeal, shall subscribe the following statement :—

> "I certify that I have examined the record in this case, and that, in my opinion, there are good grounds, as above set forth for this appeal; and having prepared it I undertake to appear and support the appeal before the Appellate Court."

(*c*) In every case in which the petition of appeal is presented by the party in person or by recognized agent, and a pleader is afterwards retained by such party to support his appeal, the pleader, before being allowed to appear to support the appeal, shall subscribe and file in Court the following statement, which shall be annexed to the petition of appeal :—

"I certify that I have examined the record and the grounds of appeal in this case, and that, in my opinion, the grounds of appeal are good, and I undertake to appear and support them before the Appellate Court."

36. [*Section 552, C. C. P.—Rule. Date for hearing of Appeal in Subordinate Appellate Courts—Notification dated 16th September 1880.*]—In the Subordinate Appellate Courts the date for hearing an appeal shall be fixed so as to allow sufficient time to every Respondent to give notice of any objection he may intend to take to the decree required by Section 561 of the Code of Civil Procedure.

37. [*Proof of service of Notice of Appellate Courts—C. O. No. 18 of 4th May 1878.*]—(*a*) Whenever proof of due service of a notice of appeal, or the like process, appears to fail, in consequence of an omission on the part of the appellant or party concerned to produce a witness to prove the identity of the party served or of his place of residence, a reasonable time shall be allowed for the production of such witness, where the omission has been the result of ignorance, and when return of the process will not thereby be unduly delayed.

(*b*) [*C. O. No. 34 of 11th September 1880.*]—If witnesses to prove the identity of the person served do not appear when the serving peon makes his return and is examined in Court or makes his affidavit (as the case may be), the Judge shall, instead of sending back the notice to the High Court as unserved, adjourn the enquiry as to proof of service and afford to the parties a reasonable time not less than seven days for the production of the proof of identification; and a notice of such adjournment, and of the time within which the parties are allowed to produce such proof, shall be posted up in the Judge's Court.

Appeals from Appellate Decrees.

38. [*Sections 584 to 587, C. C. P.—Appeals from Appellate Decrees.*]—(*a*) [*Records to be sent to the High Court within seven days—C. O. No. 10 of 26th April 1864.*]—The records of cases called for by the High Court, on appeal from the judgments and orders passed therein, should be despatched within seven days from the receipt of the order calling for such records. In the event of any delay occurring in their despatch, a reply should be sent explaining the cause of the delay, and the date on which it is expected that the requisition of the Court will be complied with.

(*b*) [*Records of execution cases to be sent up complete—C. O. No. 5 of 4th February 1867.*]—Records of execution cases sent up in appeal to the High Court should be invariably submitted complete,—that is, all the papers connected with them in the Lower Courts, whether original or appellate, should be sent up, so that they may be at hand in case the Court should find it necessary to refer to them.

(*c*) [*Maps to be pasted on cloth—C. O. No. 2 of 14th January 1867.*]—In civil cases sent up to the High Court in appeal, in which the preparation of maps may have been necessary for the elucidation of any points of importance, such maps should be pasted upon cloth before being despatched with the records. Much inconvenience has been caused at times by the tattered condition in which maps in important cases have come before the Court.

(*d*) [*Processes in Appeal to the High Court or Privy Council may be sent by Service Post—C. O. No. 19 of 29th July 1870.*]—District Judges in the Lower Provinces are authorized to transmit by Service Post the processes issued in all cases appealed either to the High Court or to Her Majesty in Council.[1] It is to be understood that the processes thus issued should not be registered. If registered they must be prepaid for by stamps.

39. [*Vernacular papers not to be forwarded to the High Court*[2]*—C. O. No. 13 of 10th May 1864.*]—(*a*) A covering letter forwarding any Vernacular paper (*e. g.*, Judicial Proceeding, Report of a subordinate Ministerial Officer, and such like) should never be addressed to the Court.

(*b*) The transmission of Vernacular papers should be discontinued as much as possible.

(*c*) No Vernacular paper should be addressed to the Court unless it refers to some Judicial Proceeding before the Court, or is a copy of some proceeding forming part of some Judicial record. In such a case the Vernacular paper should be sent with a short Memorandum written on the face of it.

(*d*) Reports of subordinate Ministerial Officers are obviously intended only for the superior Officer to whom they may be addressed, and should never be transmitted to the Court either in original or by copy. If it be necessary to address the Court regarding the subject-matter of any such report the contents of that report should be embodied in an English letter.

Miscellaneous.

40. [*Section 645, C. C. P.—Language to be used in*

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[1] *Vide* Government of India, Home Department, letter No. 912 of 28th May 1870.

[2] These rules, for convenience of reference, are also inserted on page 411.

Civil Courts.]—(*a*)[*C. O.s No. 21 of 14th May 1880, and No. 26 of 15th July 1880.*]—His Honor the Lieutenant-Governor has decided on the exclusive use of Nagri (or Kaithi) in the following Divisions :—

Patna Division.—In all districts, from the 1st January 1881.

Bhaugulpore Division.—In all districts except Maldah and the Sonthal Pergunnahs, from the 1st January 1881.

Chota-Nagpore Division.—In the Districts of Lohardugga, Hazareebagh, and in the District of Singhbhoom with the exception of Pergunnah Dholbhoom, from the 1st July 1881.

(*b*) [*C. O. No. 4 of 15th March 1869.*]—With the permission of the presiding Judge, any Advocate or Pleader may address the Court in English, when any one of the Pleaders on the opposite side is acquainted with that language, or whenever the senior of such Pleaders or his client consents to this being done.

Seals.

41. [*Small Seals how to be used—C. O. No. 8 of 12th May 1876.*]—The smaller and simpler seals supplied to District Judges are for use on minor occasions. They are not to be used for sealing judgments, writs, processes, or other documents made or issued judicially. For such purposes the regular Seal of the Court should alone be employed under the superintendence of a responsible officer ; but for all other purposes the smaller seals should be used.

Act VIII (B. C.) of 1869 and Act VIII of 1885.

42. [*RULES*[1] *for the prompt Trial of undefended and other Suits for Arrears of Rent in the Civil Courts*

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[1] Amended on the revision of the Rules in 1891.

under Act VIII (B. C.) of 1869 and Act VIII of 1885—Circulated with H. C. No. 372, dated 4th February 1871.]—(*a*) Every summons in any suit for arrears of rent, not being a suit in which enhancement is sought, brought under the provisions of Act VIII (B. C.) of 1869 and Act VIII of 1885, shall command the defendant to appear at the expiration of fourteen clear days after the service thereof.

(*b*) Immediately on the return of the summons in any "Rent Suit," the suit shall be entered in a List of Causes in the following form, to be stuck up in the Court-house, specifying the day for hearing, which shall be the day fixed for the appearance of the defendant, or on the earliest day on which the Court shall sit after such day:—

List of Rent Suits in the Court of the ________ of ________.

Number of case on the Register.	Names of Parties.	Claim.	Date fixed for trial.

(*c*) Each such suit shall be called on in its turn at the sitting of the Court, and before suits of any other description, upon the day for the hearing thereof; and in every case in which it shall be shown that the defendant has been duly served with the summons in proper time to enable him to appear and defend the suit, but the defendant does not, either in person or by any authorized agent or pleader, appear or make answer to the suit, the case shall be forthwith taken up and heard *ex parte*, unless in any particular case the Court, for special reasons to be recorded in the proceedings, shall think fit to order otherwise.

(*d*) Provided, nevertheless, that no suit for arrears of rent shall be called on and tried *ex parte* when the summons shall not have been served at least fourteen clear days before the day of hearing.

(*e*) When it appears that the summons has not been duly served, or that fourteen clear days have not elapsed from the date of the due service of the summons, the case shall stand over until a day to be fixed immediately after the expiration of fourteen clear days from the date of the due service of the summons.

(*f*)* Where the defendant appears and makes answer or desires to contest the claim, the case shall ordinarily be placed in the list of defended causes and come on in its turn; provided that if the case appear likely to be a short one, the Judge may take it up and try it immediately after the undefended cases fixed for the day, or may set it down for hearing on an early day, if either of such courses appear to him to be expedient with reference to the state of his file or the convenience of the parties.

(*g*) [*Deposit of Rent payable in kind—C. M. No. 4 of 5th March 1875.*]—In a district where the system of paying rent in kind prevails, a ryot has the right to deposit in Court, under Section 46 of Act VIII (B. C.) of 1869 and under Sections 61-62, Act VIII of 1885, such portion of the value of his produce as represents the rent admittedly due to the zemindar.

(*h*) [*Execution of Decrees in Rent Suits—C. O. No. 18 of 10th July 1874.*]—The attention of District Judges is directed to the positive rule laid down in Section 58 of Act VIII (B. C.) of 1869 and in Schedule III, 2, *b*, and Schedule III, 6, of Act VIII of 1885, as to judgments for amounts not exceeding R500. The same process of execution cannot be executed more than once. The reception of supplementary lists of property to be attached, or other devices by which the provisions of this Section are evaded, must be disallowed.

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* This clause was amended by Rule No. 12 of 18th September 1884.

Explanation.—Supplementary lists of property are to be refused in those instances only where they are put in to keep alive a case of execution in which the three years' limit is about to expire. The intention of the above order in this respect was merely to carry out the provisions of the law, and prevent parties (who, by lapse of time, are debarred from taking out a fresh process) from resorting to devices for availing themselves of a process already spent.

43. (*RULES** *under Sections 100 and 142 of the Bengal Tenancy Act, VIII of 1885, defining the duties and powers of Managers and regulating the procedure in cases of Distraint.—C. O. No. 9, dated the 4th September 1886.*)

Rules under Section 100.

1. Every manager, appointed under Chapter IX of the Bengal Tenancy Act, shall in all matters act in accordance with such orders as may, from time to time, be issued by the District Judge.

2. The manager shall pay the Government revenue rent, and other demands of the like nature, as also all just liabilities upon the estate, in due and proper time.

3. No manager shall have power to sell or mortgage any property, nor shall he grant or renew a lease for any period exceeding three years, without the express sanction of the District Judge: Provided that this rule shall not render valid any lease for a shorter time than three years, if the District Judge directs by a written order that his sanction is to be obtained as regards all leases granted by the manager.

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* Published in the *Gazette of India*, dated 7th August 1886, Part II, pages 470 and 471, and in the *Calcutta Gazette*, dated the 28th July 1886, Part I, pages 886 and 887.

4. The manager shall apply for the sanction of the District Judge to any act which may involve extraordinary expense.

5. No manager shall have power to compromise any suit or relinquish any claim without the express sanction of the District Judge.

Rules under Chapter XII.

6. All applications to distrain shall be presented and heard in open Court. The examination mentioned in Section 123, Sub-section (2), shall be on oath or affirmation.

7. All such applications and all notices of distraint under Section 141 shall be entered in a register to be called the "Distraint Register," which shall be kept in the form provided in Chap. VI, Rule I. * A copy of every such application, to be furnished by the applicant, shall be given to the officer appointed to make the distraint, and a copy of the notice under Section 141, to be similarly furnished by the applicant, shall be given to the officer placed in charge of the distrained property.

8. The officer deputed to make a distraint under Section 124, or to take charge of produce distrained under Section 141, must in all cases be able to read and write the language of the district.

9. The written demand, under Section 125, shall be framed in accordance with the entries contained in the application or notice referred to in Rule 2.

10. The notification of distraint directed in Section 124, Act VIII, 1885, shall be published by fixing up in a conspicuous part of the holding, or other place, in which the produce is, a notice that such produce has been dis-

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* Primary Register No. 9. See page 238.

trained, and by proclaiming at the same time the contents of the notice by beat of drum.

11. The notice shall specify the name of the person at whose instance the distraint is made, the name of the defaulter, the name of the person in whose charge the produce has been placed, and the amount of the arrear due, and it shall direct any person intending to reap, gather, or store the crop or produce, if unreaped or ungathered, or intending to do any other act necessary for its preservation, to give due notice of his intention to the person who has been placed in charge.

12. The notice shall be fixed up in the presence of not less than two persons, in addition to the agent of the distrainer, who points out the crop or produce.

13. In the event of it being necessary for the distraining officer, or the officer placed in charge of distrained property, to reap, gather, or store any crops or produce, or to do any other acts for the due preservation of the same, as provided by Section 126, the person at whose instance the distraint was made shall advance the funds necessary to this end.

14. The officer holding a sale under Section 131 shall record a description of the property offered for sale, the names of all persons bidding for the same, and the amount bid by each ; and if the sale is postponed he shall record an order to this effect, and shall then and there notify the place where, and the time when, the sale will be held.

15. When the sale is concluded and the sale-proceeds are realised, the officer who held the sale shall, after paying the costs of the distraint and sale, as directed in Section 134, forthwith pay the balance into Court.

16. The officer holding the sale shall take separate receipts for all sums paid by him as costs of the distraint and sale, under Section 134, Sub-section (1), and if the

person giving the receipt is unable to write, the receipt shall be attested by some person able to do so.

17. When a distraint is withdrawn under Section 136, the notification of distraint, published under Section 124, shall be taken down.

18. Every officer deputed to distrain property under this chapter shall, if there is a post office in the vicinity, report to the Court by letter immediately the distraint is made, or, if there is no such post office, shall, immediately on his return, report in writing the nature and extent of the crop or produce distrained, the day on which the distraint was made, the name of the person (if any) placed in charge of the crop, and the day fixed for the sale, or, if the sale has taken place, the day on which it took place. He shall also immediately on his return file an account of all money received and disbursed by him, together with the receipts for the same and the record of the biddings at the sale, if a sale has taken place.

19. Every person distraining produce by virtue of the authority conferred on him under Section 141 of Act VIII, 1885, shall give notice of such distraint to the Civil Court having jurisdiction to entertain an application for the distraint of such produce, in a tabular form which shall contain the following particulars :—

(*a*) The name and address of the person at whose instance the distraint was made, and a description of his interest in the property, whether as proprietor, tenure-holder, or raiyat.

(*b*) The name of the defaulter, and of the place in which he resides, or was known to be last residing.

(*c*) The amount of the arrear with interest, if any, and the period in respect of which it is claimed.

(*d*) The holding in respect of which the arrear is claimed, the boundaries thereof, or such other particulars as may suffice for its identification.

(*e*) The description and approximate value of the produce distrained, and if the same has been reaped or gathered the place in which it is stored.

(*f*) The name of the person by whom the distraint was actually made, and the name and address of the person in whose charge the produce has been placed.

(*g*) The date on which the distraint was made.

(*h*) If the crop or produce is standing or ungathered, the time at which it is likely to be cut or gathered.

Act IX (B. C.) of 1879.—(Wards.)

44. [*Applications under Section 10 how to be dealt with—C. O. No. 9 of 17th January 1880.*]—Officers presiding in the Civil Courts should send under cover to the Collector, or the Deputy Commissioner, as the case may be, for transmission to the Court of Wards, all applications addressed to such Court, under Section 10, Act IX (B. C.) of 1879, asking it to take charge of the properties of minors.

Act III of 1877.—(Registration.)

45. [*Procedure when a Registered Document is discredited by the Civil Courts—C. O. No. 37 of 10th December 1879.*]—Civil Judicial Officers should furnish the District Registrar with a brief notice of the facts of any case in which a registered document is discredited by the judgment of Court.

Act I of 1879.—(Indian Stamp Act.)

46. (*a*) [*Procedure when the genuineness of a Stamp is doubted—C. O. No. 8 of 14th January 1880.*]—When a Judicial Officer sees reason to doubt the genuineness of a stamp filed before him, the stamp should be forwarded to the Collector of the District, who will examine it, and satisfy himself, if possible, as to its character, reporting the result to the Officer sending it. Care should be taken to retain an examined copy of any document bearing a stamp which may be forwarded to the Collector under the above orders.

(*b*) [*Fraudulent stamping of documents after execution—C. O. No. 5 of 25th March 1876.*]—In all cases in which the Civil Courts find any document which comes before them to have been stamped after its execution in contravention of law, they should give a copy of their judgment to the Government Pleader with a view to the prosecution, if necessary, by the Revenue Authorities, of the parties concerned in such after-stamping.

(*c*) [*G. L. No. 14 of 30th September 1880.*]—In dealing with unstamped or insufficiently-stamped instruments executed before the present Stamp Act, 1879, came into force, the procedure to be adopted and the penalties to be levied should be regulated, not by the old Acts which have been repealed, but by the Indian Stamp Act, I of 1879.

47. *Rule. Certificate of duty and penalty levied on instruments not duly stamped—C. O. No. 16 of 4th December 1876.*]—The accompanying form shall be used in making returns to Collectors on account of duty and penalty levied by Civil Courts on instruments which, though originally unstamped or insufficiently stamped, may be admitted under the provisions of Sections 34-35 of the Indian Stamp Act.

Certificate of Stamp Duty and Penalty levied in the Court of the of under the provisions of Sections 34 & 35 of "the Indian Stamp Act," I of 1879.

1	2	3	4	5	6	7	8	9	10	11
Suit.		Court by which Order is passed and date of Order.	Name of the Party paying the Duty and Penalty.	Description of the Instrument with Date of Execution.	Amount of Duty levied.	Amount of Penalty levied.	Total of columns 6 and 7.	Date of realization.	Date of remittance to Treasury.	Remarks.
Number.	Title.									

Amended on the revision of the Rules in 1891.

Act VII (B. C.) of 1876.—(Land Registration.)

48. [*Copy of order under Section 32 to be sent to the Collector—C. O. No. 18 of 23rd July 1881.*]—When an order under Section 32, Act VII (B.C.) of 1876, directing the transfer of proprietary possession to be registered in the Registers of the Collector of the District, is passed by any Civil Court, the presiding officer of such Court shall send a copy of his order to the Collector, with a view to such transfer being registered in the Collectorate Register.

49. (*a*) [*Certain information to be furnished to the Collector in order to improve the accuracy of Land Registration—C. O. No. 5 of 29th March 1889.*]—Whenever an application for certificate or letters of administration or for probate in respect of any revenue-paying estate or revenue-free[1] property is made to any District Judge, or District Delegate appointed under Act VI of 1881, such officer shall send information of such application to the Collector of the District in which it is made, or in which the estate, or any part thereof, is situated.

Act IX of 1887.—(Provincial Small Cause Courts.)

50.[2] (*a*) [*Section 7, Act IX of 1887—*RULE. *Circuits of a Judge of several Small Cause Courts—C. O. No. 21 of 26th June 1872.*]—(*a*) A Judge of two or more Small Cause Courts shall report to the High Court the times of circuit and the dates for sitting in each of the Courts which have been fixed by him with the sanction of the District Judge under Section 7 of Act IX of 1887, and notification of such dates shall be published in the *Calcutta Gazette* under the signature of such Small Cause Court Judge.

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[1] Inserted by C. O. No. 4, dated the 11th February, 1890.

[2] Amended on the revision of the Rules in 1891.

(*c*) [*RULES of Practice for Courts of Small Causes.*]—The following Rules of Practice shall be observed in Courts of Small Causes:—

Time of service. When returnable.

(1) The summons shall ordinarily be served on the defendant seven clear days before the day on which the Court shall be holden at which the cause is to be tried, unless the Court shall otherwise order; but a summons may be made returnable at a longer or a shorter date in the discretion of the Court, with reference to distance or to any other cause.

Receipt or Plaint-note.

(2) A receipt or plaint-note shall, on the filing of the plaint be given to the plaintiff, containing the number of the summons and of the suit in the Register Book, and no execution shall be issued, nor any money paid out of Court, except on production of the said receipt, or by order of the Judge.

Summons Book and Register.

(3) The cause of action shall be transcribed from the plaint into the Summons Book, and the substance of the cause of action shall be entered in the Register Book: both books shall be in the forms prescribed in Chapter V, Rule I.*

What to be entered in Summons Book.

(4) The substance of the evidence, the judgment, and the decree shall be entered in the Summons Book, as in form prescribed in Chapter V, Rule I.

(5) In cases in which the Defendant has moved the Court for a review of judgment, and the Court is of opinion that such review should be granted, the date for hearing shall be fixed within six days, unless the Court shall for special reason fix a later date.

Time within which warrants of execution must be executed.

(6) No warrant of execution or commitment shall be executed after the expiration of two calendar months from the date thereof: provided that second and successive warrants of execution may be issued by order of the Judge at the expiration of two calendar months from the date of each on payment of the prescribed costs of execution by the party at whose instance the same are issued.

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* Primary Registers Nos. 17 and 18. See pages 245 and 246.

Unexecuted warrant. Proceeds of execution.

(7) Every officer required to execute any warrant of execution, if he shall not have executed such warrant, shall return the same to the office of the Court at the expiration of one month from the date of the issue thereof; and every officer levying or receiving money by virtue of any process out of the Court shall forthwith, or as soon after the receipt thereof as practicable, pay over the same to the Court.

CHAPTER II.

Court Fees.

Process Fees.

Rules framed by the High Court of Judicature at Fort William in Bengal, in accordance with Clause I, Section 20 of the Court Fees Act of 1870, declaring the Fees chargeable for Serving and Executing Processes by the High Court in its Appellate Jurisdiction, and by the other Civil and Revenue Courts established within the limits of such Jurisdiction in Bengal and Assam.* [*C. O. No. 6 of 30th April 1891.*]

RULE 1.—The fees in the following table shall be charged for serving and executing the several processes against which they are respectively ranged:—

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* Published in the *Calcutta Gazette* of the 6th May 1891, Part I, pages 461 to 466, and in the *Assam Gazette* of the 9th idem, Part III, pages 255 to 259.

PART I.

Table of Fees in the High Court, Appellate Jurisdiction—

	R	*a.*	*p.*
Article 1.—In every case in which personal or substituted service of any process on parties to the cause is required, where not more than four persons are to be served with the same document, *one fee*	3	0	0
When such persons are more than four in number, then the fee above mentioned, and an additional fee of 8 annas for every such person in excess of four . . .	0	8	0
Article 2.—In every case in which personal or substituted service of any process on any persons who are not parties is required, when the number of such persons is not more than four, *one fee*	3	0	0
When there are more than four such persons, then the fee above mentioned for the first four, and an additional fee of 8 annas for every one in excess of that number . .	0	8	0
Article 3.—For the execution of a warrant for arrest of the person	3	0	0
Article 4.—For service or execution of any process issued by the Court, not specified in any preceding article of this Part	3	0	0

PART II.

In the Courts of Judges and Subordinate Judges, and in the Revenue Courts when the suit in the Revenue Courts in which the process is issued is valued at a sum exceeding R1,000.

	R	a.	p.
Article 1.—In every case in which personal or substituted service of any process on parties to the cause is required, where not more than four persons are to be served with the same document, *one fee*	2	0	0
When such persons are more than four in number, then the fee above mentioned, and an additional fee of 8 annas for every such person in excess of four . . .	0	8	0
Article 2.—In every case in which personal or substituted service of any process on any persons who are not parties is required, when the number of such persons is not more than four, *one fee*	2	0	0
When there are more than four such persons, then the fees above mentioned for the first four, and an additional fee of 8 annas for every one in excess of that number .	0	8	0
Article 3.—Where process of attachment of property by actual seizure is issued—			
(*a*) for the seizure under the order of attachment	2	0	0
(*b*) for each man necessary to ensure safe custody of property so attached, when such man is actually in possession, *per diem* .	0	6	0

NOTE.—The daily fee (*b*) is to be paid at the time of obtaining the process for so many days as the Court shall order, not being ordinarily less than fifteen days, and the number of days required for the coming and going of the officer; but where the officer is not to be left in possession, then the daily fee is to be paid only for the time to be occupied by the officer going, effecting the attachment, and returning. When the inventory filed by the judgment-creditor shows the property to be of such small value that the expense of keeping it in custody may probably exceed the value, the Court shall fix the daily fee with reference to the provisions of Section 269 of the Code of Civil Procedure of 1882.

Provided that if it appears that for any reason the number of days fixed by the Court under this note, and in respect of which fees have been paid, is likely to be exceeded and the decree-holder desires to maintain the attachment, the decree-holder shall apply to the Court to fix such further number of days as may be necessary, and the additional fees in respect thereof shall be paid in the manner provided in Rule III. If such additional fees be not paid within the period originally fixed and in respect of which fees have been paid, the attachment shall cease on the expiry of that period.

	R	*a.*	*p.*
Article 4.—For the proclamation and publication of any order of prohibition under Section 274, Civil Procedure Code, irrespective of the number of such proclamations or publications	2	0	0
Article 5.—For the publication by posting up of a copy or copies of any notice or citation irrespective of the number of such publications .	2	0	0
Article 6.—For executing a decree by the arrest of the person	10	0	0
Article 7.—Where an order for the sale of property other than an order for the sale of distrained property under Act VIII of 1885, is issued—			
(*a*) for proclaiming the order of sale under Section 287, Civil Procedure Code, a fee of	2	0	0

(*b*) for selling the property, a percentage or poundage on the gross amount realized by the sale, up to R1,000, at the rate of	2 per cent.
together with a further fee on all excess of gross proceeds beyond R1,000 at the rate of	1 per cent.

NOTE.—The fee under clause (*a*) must be paid when the process is obtained.

The percentage or poundage under clause (*b*) must be paid (1) in a case where the purchaser is a person other than the decree-holder, at the time of making the application for payment of the proceeds of sale out of Court, as provided in Rule IV, and (2) in a case where the decree-holder has been permitted to purchase at time of the presentation of his application for permission to set off the purchase-money against the amount of his decree, as provided in Rule V.

The percentage leviable under this article shall be calculated on multiples of R25.

	R	a.	p.
Article 8.—For service of any process not specified in any preceding article of this part . .	2	0	0

PART III.

[*Except in the suits specified in Part IV.*] *In the Courts of Munsifs and of Small Causes, and in the Revenue Courts, when Part II does not apply—*

	R	a.	p.
Article 1.—In every case in which personal or substituted service of any process on parties to the cause is required, where not more than four persons are to be served with the same document, *one fee*	1	0	0
When such persons are more than four in number, then the fee above mentioned, and an additional fee of 4 annas for every such person in excess of four . .	0	4	0
Article 2.—In every case in which personal or substituted service of any process on any persons who are not parties is required, when the number of such persons is not more than four, *one fee*	1	0	0

	R	a.	p.
When there are more than four such persons then the fee above mentioned for the first four, and an additional fee of four annas for every one in excess of that number .	0	4	0
Article 3.—Where process of attachment of property by actual seizure is issued—			
(*a*) for the seizure under the order of attachment	1	0	0
(*b*) for each man necessary to ensure the safe custody of property so attached when such man is actually in possession, *per diem* .	0	4	0

Note.—The daily fee (*b*) is to be paid at the time of obtaining the process for so many days as the Court shall order, not being ordinarily less than fifteen days and the number of days required for the coming and going of the officer; but where the officer is not to be left in possession, then the daily fee is to be paid only for the time to be occupied by the officer going, effecting the attachment, and returning. When the inventory filed by the judgment-creditor shows the property to be of such small value that the expense of keeping it in custody may probably exceed the value, the Court shall fix the daily fee with reference to the provisions of Section 269 of the Code of Civil Procedure of 1882.

Provided that if it appears that for any reason the number of days fixed by the Court under this note, and in respect of which fees have been paid, is likely to be exceeded and the decree-holder desires to maintain the attachment, the decree-holder shall apply to the Court to fix such further number of days as may be necessary, and the additional fees in respect thereof shall be paid in the manner provided in Rule III. If such additional fees be not paid within the period originally fixed and in respect of which fees have been paid, the attachment shall cease on the expiry of that period.

	R	a.	p.
Article 4.—For the proclamation and publication of any order of prohibition under Section 274, Civil Procedure Code, irrespective of the number of such proclamations or publications	1	0	0

	R	*a.*	*p.*
Article 5.—For the publication by posting up of a copy or copies of the notification of any process not especially mentioned in any article of this Part, irrespective of the number of such publications	1	0	0
Article 6.—For executing a decree by the arrest of the person	4	0	0
Article 7.—Where an order for the sale of property, other than an order for the sale of distrained property under Act VIII of 1885, is issued—			
(*a*) for proclaimining the order of sale under Section 287, Civil Procedure Code, a fee of	1	0	0
(*b*) for selling the property a percentage or poundage on the gross amount realized by the sale, of to R1,000, at the rate of .	2 per cent.		
together with a further fee on all excess of gross proceeds beyond R1,000, at the rate of	1 pet cent.		

NOTE.—The fee under clause (*a*) must be paid when the process is obtained.

The percentage or poundage under clause (*b*) must be paid (1) in a case where the purchaser is a person other than the decree-holder, at the time of making the application for payment of the proceeds of sale out of Court, as provided in Rule IV, and (2) in a case where the decree-holder has been permitted to purchase at the time of the presentation of his application for permission to set off the purchase-money against the money against the amount of his decree, as provided in Rule V.

The percentage leviable under this Article shall be calculated on multiples of R25.

	R	*a.*	*p.*
Article 8.—For service of any process not specified in any preceding article of this Part . . .	1	0	0

PART IV.

In the Court of Munsifs, in Small Cause Courts, and in the Revenue Courts, where the suit is for debt or damage to personal property, or for rent, and where the claim does not exceed R50.

	R	*a.*	*p.*
Article 1.—In every case in which personal or substituted service of any process on parties to the cause is required, where not more than four persons are to be served with the same document, *one fee*	0	8	0
Where such persons are more than four in number, then the fee above mentioned, and an additional fee of 4 annas for every such person in excess of four . .	0	4	0
Article 2.—In every case in which personal or substituted service of any process on any persons who are not parties is required for each person to be served . . .	0	4	0
Article 3.—Where process of attachment of property by actual seizure is issued—			
(*a*) for the seizure under the order of attachment	0	8	0
(*b*) for each man necessary to ensure the safe custody of property so attached, when such man is actually in possession, *per diem* . . .	0	4	0

NOTE.—The daily fee (*b*) is to be paid at the time of obtaining the process for so many days as the Court shall order, not being ordinarily less than fifteen days and the number of days required for the coming and going of the officer; but where the officer is not to be left in possession, then the daily fee is to be paid only for the time to be occupied by the officer going, effecting the attachment and returning. When the inventory filed by the judgment-creditor shows the property to be of such small value that the expense of keeping it in custody may probably exceed the value, the Court shall fix the daily fee with reference to the provisions of Section 269 of the Code of Civil Procedure of 1882.

Provided that if it appears that for any reason the number of days fixed by the Court under this note, and in respect of which fees have been paid, is likely to be exceeded and the decree-holder desires to maintain the attachment, the decree-holder shall apply to the Court to fix such further number of days as may be necessary, and the additional fees in respect thereof shall be paid in the manner provided in Rule III. If such additional fees be not paid within the period originally fixed and in respect of which fees have been paid, the attachment shall cease on the expiry of that period.

	R	*a.*	*p.*
Article 4.—For the proclamation and publication of any order of prohibition under Section 274, Civil Procedure Code, irrespective of the number of such proclamations or publications	1	0	0
Article 5.—For the publication by posting up of a copy or copies of the notification of any proceeding or process, not specially mentioned in any article of this Part, irrespective of the number of such publications	1	0	0
Article 6.—For executing a decree by arrest of the person	1	0	0
Article 7.—Where an order for the sale of property, other than an order for the sale of distrained property under Act VIII of 1885, is issued—			
(*a*) for proclaiming the order of sale under Section 287, Civil Procedure Code, a fee of	1	0	0
(*b*) for selling the property, a percentage or poundage on the gross amount realized by the sale, up to R1,000, at the rate of	2 per cent.		

together with a further fee on all excess of gross proceeds beyond R1,000, at the rate of . . . . . 1 per cent.

NOTE.—The fee under clause (*a*) must be paid when the process is obtained.

The percentage or poundage under clause (*b*) must be paid (1) in a case where the purchaser is a person other than the decree-holder, at the time of making the application for payment of the proceeds of sale out of Court, as provided in Rule IV, and (2) in a case where the decree-holder has been permitted to purchase at the time of the presentation of his application for permission to set off the purchase-money against the amount of his decree, as provided in Rule V.

The percentage leviable under this article shall be calculated on multiples of R25.

	R	*a.*	*p.*
Article 8.—For service of any process not specified in any preceding article of this Part . .	1	0	0

RULE 2.—Notwithstanding Rule 1, no fee shall be chargeable for serving and executing any process, such as a notice, rule, summons, or warrant of arrest, which may be issued by any Court of its own motion, solely for the purpose of taking cognizance of, and punishing any act done, or words spoken in contempt of its authority.

RULE 3.—The fees hereinbefore provided, except those mentioned in the next rule, shall be payable in advance at the time when the petition for service or execution is presented, and shall be paid by means of stamps affixed to the petition in addition to the stamps necessary for its own validity.

RULE 4.—The proceeds of a sale effected in execution of any decree will only be paid out of Court on an application made for that purpose in writing, and the poundage fee for selling the property provided in clause (*b*) of Article 7 of Parts II, III, and IV must be paid by stamps affixed to, or impressed upon, the first of such applications, whether it be or be not made by the person who obtained the order for sale, or whether it does or does not extend to the whole of the proceeds. No fee will be chargeable upon any such application subsequent to the first.

RULE 5.—In cases in which the decree-holder applies for leave to purchase under Section 294 of the Code of Civil Procedure, no order to set off the purchase-money against the amount of the decree shall be made upon the application for leave to purchase. Such order shall be made upon a petition presented after the property has been knocked down to the decree-holder at the auction-sale, and such petition shall be stamped with stamps of the value of the poundage fee due for selling the property under clause (*b*) of Article 7 of Parts II, III, and IV.

Upon the hearing of such petition the costs of execution, including the amount of the stamps attached to the petition, shall be ascertained and shall be added to the decree; and in cases in which the amount of the purchase-money exceeds the amount of the decree and of such costs, the decree-holder who has so purchased the property shall pay into Court the sum of 25 per cent. upon the balance of the purchase-money after deducting the amount of the decree and of such costs, and shall pay the balance at the expiration of fifteen days in accordance with Section 307 of the Code of Civil Procedure.

RULE 6.—In the districts mentioned in the Schedule attached to this rule, and for the periods of the year therein mentioned, the fees chargeable for the service of processes under these rules shall be increased by 25 per cent., in order to provide for payment of the boat-hire or ferry toll rendered necessary in those districts by the state of the country.

Schedule showing the Districts in which extra charges are to be made on account of service of process by boat.

Name of District Judgeship.	Within what limits an extra charge is to be made on account of boat-hire.	For what period.
BACKERGUNGE . .	Within the limits of the whole district.	Throughout the year, with discretion to the District Judge to suspend its operations in such times and places as may be practicable.

Schedule showing the Districts in which extra charges are to be made on account of service of process by boat—contd.

Name of District Judgeship.	Within what limits an extra charge is to be made on account of boat-hire.	For what period.
DACCA	Within the limits of the district, except as regards the towns Dacca and Naraingunge, and the villages Mirpore, Toonghee, and Joydebpore.	From 15th May to 15th November.
FURREEDPORE	In Thanas Gopalgunge and Kotwali-para.	From 1st June to 31st December.
	In the rest of the district	From 1st June to 30th November.
JESSORE	Within the limits of the Sub-divisions of Khoolna and Bagirhat.	Throughout the year.
	Within the limits of the Sub-divisions of Magurah, Jhenidah, and Narail.	From 15th June to 15th November.
MOORSHEDABAD	Within the limits of the Jungipore Munsifi.	From 15th July to 30th September.
MYMENSINGH	Within the limits of the Sudder, Sherepore, Netrokona, and Ghosegong Munsifis.	From 15th June to 30th September.
	Within the limits of the rest of the district.	From 15th May to 31st October.
NOAKHALLY	Within the limits of the whole district.	From 15th June to 15th November.
NUDDEA	Throughout the thanas of Kushtea, Comerkhally, Bhaluka, Noapara, and Bhadulia, the Khoksa and Damukdiah Outposts, and the Daulatpur Police Station.	From 15th July to 30th September.
PUBNA AND BOGRA	Within the limits of the whole district.	From 15th June to 31st October.
RAJSHAHYE	Within the limits of the Nattore Munsifi	From 1st June to 30th November.
	Within the limits of the Shibgunge Munsifi.	From 1st July to 30th September.
	Within the limits of the rest of the district.	From 1st June to 31st October.
RUNGPORE	Throughout the Kurigram and Gaibandha Munsifis and in Thana Kaliganj.	From 1st June to 31st October.
TIPPERAH	Within the limits of the whole district.	From 1st June to 31st October.
SYLHET	Within the limits of the whole district.	From 1st June to 30th November.

RULE 7.—In such districts or parts of districts as are not for the time being subject to Rule VI, when, in order to the service of any process, the peon has to cross a ferry, then the amount, if any, legally exigible as toll shall be paid by the Court executing such process from its permanent advance.

The permanent advance mentioned in this rule is the special permanent advance sanctioned by the Local Government for the purpose of the Rules.

RULE 8.—In cases in which the process is to be served in the jurisdiction of another Court, the proper fee chargeable under Rule I read with Rule VI shall be levied, in the manner above directed, on the application for the transmission of the process to that Court, and a note shall be made on the process stating that this has been done. A Court which receives from another Court, whether in the same Province or not, a process bearing a certificate that the proper fee has been levied, shall cause it to be served without further charge.

NOTE.—By arrangement between the Government of India and His Highness the Nizam of Hyderabad civil processes for service or execution within His Highness's territories will be issued and served in accordance with the above rule.

Processes issued by Civil Courts in His Highness the Nizam's territories will be served or executed in the Provinces of Assam and Bengal free of charge. (Rule No. 5, dated 28th April 1890.)

N.B.—The fees paid in pursuance of these rules must in all proceedings be deemed and treated as part of the necessary and proper costs of the party who pays them.

Court Fees.

9. [*Orders by the Governor-General in Council under section 35 of the Court Fees Act.*]—The following fees have been remitted by the Governor-General in Council under Section 35 of the Court Fees Act (VII of 1870) :—

(*a*)[1] The fees payable under Clause (*a*), paragraph (4), and Clause (*b*), paragraph 2 of Article 1, Schedule II of the Court Fees Act on applications for orders for the payment of deposits in cases in which the deposit does not exceed R25 in amount, provided that the application is made within three months of the date on which the deposit first became payable to the party making the application.

(*b*)[2] The fee payable under the Court Fees Act on any application for the deposit of Rent, in respect of which a fee is paid under Section 61 (2) of the Bengal Tenancy Act VIII of 1885.

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[1] Notification of Government of India, No. 849, Financial, of 16th February 1883.—C. O. No. 5 of 18th July 1883.

[2] Notification of Government of India, No. 4481, dated the 16th August 1888-—C. O. No. 1 of 14th January 1889.

The following fees have been fixed by the Government of Bengal in Rules issued under the Bengal Tenancy Act, VIII of 1885, Rules 5, 6, and 3, Chapter VII. (See Notification dated the 21st December 1885) :—

5. *Section 61* (2)—For Deposits of Rent.—For Deposits of Rent under Section 61, (2) 4 annas for every deposit of R25 or less, with an additional 4 annas for every R25 or part of R25 in excess : Provided that in no case shall the fee exceed the sum of R5.

(*c*) The fee payable under the Court Fees Act on an application presented by any person for the return of a document filed by him in any Court.

(*d*)[2] The fees payable under clauses 6, 7, and 9 of Schedule I of the Court Fees Act on copies furnished by the Civil and Criminal Courts for the private use of persons applying for them. Such copies are not however exempted from the payment of the fees chargeable thereon when filed, exhibited, or recorded in any Court of Justice, or received by any public officer.

6. *Section 134*—For Distraint of Crops.—The following scale of charges is prescribed on account of processes for Distraint and Sale under the Bengal Tenancy Act :—

(*a*) in respect of the warrant of distraint . . .	8 annas.
(*b*) in respect of each man necessary to effect the distraint and also to ensure safe custody where such man is to be left in actual possession .	4 annas a day.
(*c*) in respect of action taken under Section 126, (Clause 2) for the reaping, storing, or preservation of the crop distrained .	4 annas a day for every person employed and in addition actual hire of threshing floor or store-house, if necessary.

In addition to the Charges under clauses (*a*), (*b*), (*c*), above, railway fare, boat-hire, and ferry charges will be levied when necessary, as under Rule 3 of this Chapter.

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[1] Notification of the Government of India, No. 4347, dated the 26th November 1886.—C. O. No. 1 of 2nd February 1887.

[2] Notification of the Government of India, No. 1361 of the 24th June 1881.—C. O. No. 26 of the 7th September 1881.

10. [*Section 244, C. C. P.—Court fee payable on appeals from certain orders—C. O. No. 6 of 10th January 1880.*]—With regard to the following notification, it will be observed that while the fee payable on appeals from certain orders passed under section 244 of the Code of Civil Procedure is limited to the amount chargeable under Article 11, Schedule II of the Court Fees Act, cases may occur in which, under the ordinary rules for the valuation of appeals from decrees, the fee payable may be less than this amount. Further, the notification does not apply to appeals from orders rejecting plaints, or to appeals in certain miscellaneous cases, such as Certificate and Probate cases.

Notification by the Government of India, Department of Finance and Commerce, No. 3967, dated Simla, the 22nd November 1879.

Whereas certain orders issued by the Civil Courts under Section 244 of the Code of Civil Procedure, 1882, have been declared to be "decrees" by Section 2 of Act XII of 1879.*

In exercise of the powers conferred by Section 35 of the Court Fees Act, 1870, the Governor-General in Council is pleased to direct that the Court fee payable on appeals from such orders issued under Section 244 of the Code of Civil Procedure shall be limited to the amounts chargeable under Article 11, Schedule II of the Court Fees Act.

* Now embodied in the definition of a decree in Section 2 of the Code of Civil Procedure.

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3. In addition to the above fee, the actual charge which must be incurred if it is necessary to travel by railway or boat, or cross ferries, will be levied from and paid by the person at whose instance the process is issued before issue of the process. If a peon carries more than one process involving charges for railway fare, boat-hire, &c., the sum leviable will be charged in equal shares upon all the processes so carried. The rates at which such boat-hire is to be charged shall be the same as those fixed for criminal processes under Rule VII of the Rules prescribed by the High Court under Clause 2, Section 20, Act VII of 1870, and shall be sufficient to cover, on the whole, the actual cost of hiring boats, or of such boat establishment, as it may be necessary to maintain for the purpose of serving processes of these classes.

11. *Notification of Government of India, No. 361 of 18th April 1883—C. O. No. 3 of 11th May 1883.*]—In exercise of the powers conferred by Sections 26 and 35 of the Court Fees Act, 1870, and of all other powers enabling him in this behalf; and in supersession of Notification by the Government of India in the Financial Department, No. 1520, dated 5th March 1875, and all other Notifications on the subject, the Governor-General in Council is pleased to issue the following directions :—

I.—When in any case the fee chargeable under the said Act is less than R10 such fee shall be denoted by adhesive stamps only. Such adhesive stamps shall either be the adhesive stamps bearing the words "Court Fees", at present in use, or adhesive stamps of any different shape, size, or pattern, bearing the words "Court Fees", which may hereafter be issued for use, in supersession of, or in addition to, the adhesive stamps now in use.

II.—When in any case the fee chargeable under the said Act amounts to or exceeds R10, such fee shall be denoted by impressed stamps bearing the words "Court Fees", adhesive stamps being only employed to make up fractions of less than R10.

III.—If in any case the amount of the fee chargeable under the said Act involves a fraction of an anna, such fraction shall be remitted.

IV.—This Notification shall take effect on and after the 1st June 1883.[1]

Cancellation of Court Fee Stamps.

12. [*Act VII of 1870, Section 30.—Instructions regarding the cancellation of Court Fee Stamps.*]

(*a*) [*C. O. No. 5 of 24th February 1874.*]—Too strict compliance with the provisions of Section 30 of the Court Fees Act cannot be enjoined, and in all cases it should be carefully seen that the figure-head of the Court Fee Stamp is punched out, and the piece destroyed, before any action is taken upon the documents to which the stamp may have been attached.

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[1] Subsequently postponed to the 1st July 1883 by Notification in the *Gazette of India.*

(*b*) [*Rule No. 11 of 10th June 1882.*]—Every applicant for a copy shall, with his application, present the folio or folios necessary for such copy ; and also the Court Fee stamp required for such copy by the laws* for the time being in force. If the application be allowed and the copy made, the proper officer shall, before issuing the copy, punch such Court Fee stamp in the manner directed by paragraph 4 of the attached Circular Order of the Board of Revenue If the application be disallowed, or if, before the copy is made, the applicant intimate that he does not require it, such Court Fee stamp may be returned to him, a note of this having been done being made in the Register and signed by the proper officer and the applicant.

* See Articles 6,7, 8, and 9 of Schedule 1 of the Court Fees Act, 1870.

(*c*) [*C. O. No. 19 of 28th April 1880, and Rule No. 7 of 31st August 1883.*]—The Record-keeper of every Court shall, when a case is decided and the record made over to his custody, punch a second hole in each Court Fee label, distinct from the first ; and shall, at the same time, note upon the Title Page the date on which the stamps on documents contained in such record have been so punched by him.[1] District Judges must require this order to be strictly carried out in future. Attention is called to the Circular Order of the Board of Revenue quoted below, and to the necessity for seeing that all stamps are punched and registered before they are received or acted upon. As petitions have to be taken in open Court, some person should be in attendance there to punch and register the stamps in presence of the Judge immediately before the petitions are handed to him.

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[1] The preceding words were substituted for the original words by Rule No. 1 of 15th January 1885.

Circular Order issued by the Board of Revenue, Lower Provinces,—No. of October 1878.

It having been brought to the notice of the Board that the provisions of Section 30 of the Court Fees Act, VII of 1870, regarding the cancellation of stamps, and the rules prescribed by Government on the same subject, are not in all cases strictly observed, the Board believe that it will be useful to recapitulate and publish collectively the several rules and orders which have from time to time been issued for the guidance of all officers concerned.

2. Every Court and officer before whom a document requiring a stamp under the Court Fees Act is produced is bound to see that the figure-head of the stamp is punched out and destroyed before taking action on the document (Government of India's order, Financial Department, No. 831, dated 31st January 1874; Board's circular order No. 4 of February 1874).

3. After a case is decided the Record-keeper of every Court is required to punch a second hole on each stamp, distinct from the first, and to note the date of his doing so at the same time The second punching should not remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature. If the hole which was first punched is round, the second hole should be either square or triangular (Government of India's order, Financial Department, No. 1763, dated 24th July 1873; Board's circular order No. 3, August 1873, and No. 3 of October 1873).*

4. In the case of copies, certificates, or other similar documents liable to be stamped under the Court Fees Act, the Court or office issuing them is required, before issue, to cancel the labels affixed to them by punching out a portion of the label in such a manner as to remove neither the figure-head nor that part

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* These directions apply only to adhesive labels issued under the Court Fees Act. Impressed stamps used for denoting Court Fees need not be cancelled or punched otherwise than as required by Section 30 of the Court Fees Act [*Government of India Resolution No. 3047, Stamps, of 5th September 1883 (C. O. No. 1 of 18th January 1884)*.]

of the label upon which its value is expressed; and as an additional precaution, the signature of the officer attesting the document, with the date, should be written across the label and upon the paper on either side of it (Government of India's order No. 3373, dated 24th September 1875; Board's circular order No. 4, November 1875).

5. An impression apparently exists that the hole which is punched by the issuing Court or office on the stamp-label affixed to copies, certificates, &c., under the order cited in the preceding paragraph, does away with the necessity of cancellation by punching out the figure-head, under Section 30 of the Act, by the Court or office in which the copy or certificate, &c., may be produced or filed; but this view is incorrect, and it will be readily understood that the orders in question cannot override the express provision of the Act.

6. It will therefore be observed that under the orders now in force, all Court Fee stamps must be punched at least twice, if they go into the record-room,—*first*, there is the punch required by Section 30 of the Act; and, *secondly*, the square or triangular punch of the Record-keeper. But if a stamped copy of a document is filed with the record in a judicial proceeding, it must be punched three times,—*first*, by the issuing Court or office; *secondly*, by the receiving Court or office; and, *finally*, by the Record-keeper.

7. The heads of Courts or offices in which stamps are used or filed are required to cause an inspection to be made, at least once a quarter, of all papers and documents in the records of the Court or office that require adhesive labels, in order to ascertain that the stamps have been properly punched and defaced, and have not been subsequently removed from the documents in which they were used (Board's circular order No. 3 of October 1873 and 7 of November 1875).

(*d*) [*C. O. No. 30 of 26th August 1880.*]—Where (as in Small Cause Courts) the rule requiring the regular transmission of the records of decided cases to the district record-room does not apply, all stamps on the records must be punched a second time by some officer of the particular Court as soon as each case is decided. The duty of thus re-punching stamps should in each Court be assigned to some officer specified by a written order, which should also indicate the manner in which this duty of re-punching should be performed, *i.e.*, so as not to remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature.

(*e*)[*G. L. No. 16 of 18th September 1876.*]—Government having directed the Inspector General and Inspectors of Registration to examine record rooms of the various Courts in the Mofussil, in order to see how far the rules and instructions on the subject of the punching, custody, and sale of stamps are carried out, every assistance should be afforded by Judicial Officers to such officers in the discharge of their duty.

(*f*) [*G. L. No. 5 of 21st April 1880.*]—Government having ordered that, on the discovery of any irregularity in respect of punching or otherwise defacing Court Fee stamps, the inspecting Registration Officers shall at once bring the matter to the notice of the presiding officer of the Court, such latter officer should inquire into the matter at once, and thus trace the person who is responsible for the omission pointed but by the inspecting officer.

13. [*Genuineness of Court Fee Stamps to be tested—C. O. No. 2 of 16th January 1873.*]—The attention of the Civil Courts of every grade is drawn to the subject of the following circular, which has been issued by the Board of Revenue to all revenue officers, with reference to the risk of fraud arising from the facility with which adhesive stamps may be forged and the consequent necessity for special examination by every head of a revenue court of such stamps presented in payment of Court Fees.

Board of Revenue Circular.

Certain attempts to forge the adhesive stamps lately issued for the purpose of denoting Court Fees have been recently brought to light, and the Member in charge now calls the earnest attention of all district officers to the risk of fraud arising from the greater facility with which such stamps can be forged in comparison with impressed stamps.

Large quantities of these adhesive stamps are daily presented in payment of process fees, and very seldom come under the actual observation of the head of a revenue court. Attempts to use forged stamps are more likely, therefore, to occur in connection with this mode of using stamps than with any other. Every head of a court in which such fees are paid by stamps is desired in future to call for from time to time papers which have been so stamped, and to satisfy himself thoroughly by personal examination that the stamps used in his court are genuine.

CHAPTER III.

Other Fees, &c.

Charges for Affidavits.

1.—[*Sections 194 to 197, C. C. P.—Rule. Charge for Affidavits—C. O. No. 32 of 20th September 1878.*]—(*a*) The following charge for affidavits shall be made in all Civil Courts subject to the Appellate Jurisdiction of the High Court, *viz.* :—

For administering the oath of the declarant in the case of any affidavit under the Code of Civil Procedure (Act XIV of 1882)	one rupee,

except—

(*a*) Affidavits made by process-servers regarding the manner of service of processes ;

(*b*) Affidavits made by any public officer in virtue of his office.

The above fee shall be paid by means of a Court Fee Stamp of not less value than the amount above prescribed, and will therefore be credited to Government.

These fees should be shown in column 4 of the Detailed Daily Register of Court Fees realized in order that it may be ascertained whether the receipts in any district are sufficient to justify the appointment of a special officer to administer oaths on affidavits.

Note.—It is not intended to impose a fee in respect of affidavits sworn by order of Court for the proof of service of process, and no charge should therefore be made against persons who accompany process peons for the purpose of identifying parties.—(*C. O. No. 34 of 7th November 1878.*)

Note.—It is not intended that any fee should be levied on an affidavit to prove avoidance of service of process by a witness sworn by the person who accompanies the process-server for the purpose of identifying the witness.—(*C. O. No. 11, dated the 14th September 1886.*)

(*b*) [*Fee for Special Commissioner—C. O. No. 21 of 30th April 1879.*]—A fee of five rupees payable in Court Fee Stamps shall be levied in respect of each oath administered on an affidavit by a Special Commissioner

This Rule was amended by Rule No. 15 of 3rd June 1881.

deputed for the purpose by the District Judge under the powers vested in him by the Local Government in this behalf. Payment of this fee will be accepted in such cases in lieu of the fee of one rupee imposed by clause (*a*) above, but will not be held to include the travelling expenses of the Commissioner, which must be paid in addition in cash.*

Return of Fees on Affidavits.

2. [*Sections 194 to 197, C. C. P.—RULE. Quarterly Return of Oaths on Affidavits---G. L. No. 1 of 17th February 1879.*]—The Civil Courts shall submit a Quarterly Return in the following form, which is meant to show all oaths on affidavits administered in the Civil Courts subject to the superintendence of the High Court:—

Return of Oaths on Affidavits administered in the Civil Courts of the District of during the quarter of 189 , showing the Amount of Fees realized under C. O. No. 32, dated 20th September 1878.

NAME OF STATION.†	Number of Oaths on Affidavits not chargeable with a fee.	OATHS ON AFFIDAVITS CHARGEABLE WITH A FEE.				Number.	Amount realized.	REMARKS.
		Affidavits compulsory under the Code of Civil Procedure.		Affidavits optional or not required by the Code of Civil Procedure.				
		Number.	Amount realized.	Number.	Amount realized.			
1	2	3	4	5	6	7	8	9
TOTAL .								

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* The Civil Court Ameen should ordinarily be deputed for the purpose of executing the Commissions referred to in Rule 1 (*b*). The fee of R5 levied in respect of the oath to be administered by him is payable in Court Fee Stamps to the credit of Government. (*C. O. No. 39 of 22nd December 1870.*)

† Total figures for all the Civil Courts to be shown against the name of each station.

Expenses of Civil Court Amins.

3. *RULE. Rate per diem to be charged under Section 8, Act XII of 1856, for the Expense of a Civil Court Amin—Notification dated the 2nd July 1890.*]—The High Court is pleased to direct, under Section 8 of Act XII of 1856, that whenever it is proposed to employ a Civil Court Amin on any duty connected with a pending suit or the execution of a decree (save by the sale of property), the charge for the expense of the Amin shall be at the fixed rate of three rupees per diem.

4. [*Supplementary Instructions—G. L. No. 7, dated 2nd July 1890.*]—(*a*) The rate fixed in the above rule is not intended to interfere with the exercise of the discretion, given to a Court by Section 397 of the Code of Civil Procedure, to fix the expenses of any commission ordered by it and to direct payment of such sum before the issue of the commission. In such sum, if the Court thinks proper, the amount payable as travelling allowance may be included; but it should be understood that no party should be charged on account of any expense with any sum which is not actually incurred or chargeable by some authoritative rule or legal enactment.

(*b*) If the amount of the deposit under Section 397 of the Code has been exceeded and, therefore, found to be insufficient, no further expense should be incurred until some further sum has been paid into Court by the party concerned. The proceedings of the Commissioner should be forthwith suspended, and should the necessary deposit not be made within a reasonable time the trial should proceed.

Expenses of Judicial Officers.

5. [*Expenses of Judicial Officers holding Local*

Enquiries under Chapter XXV, C. C. P.—G. L. No. 5, dated 6th June 1890.]—As Judicial Officers holding local investigations under the provisions of the Code of Civil Procedure in connection with cases under trial before them are unable to draw on account of the expenses incurred by them in holding such enquiries more than the amount admissible to them by way of travelling allowance under the Travelling, &c., Rules passed by Government, the parties to a case, in which a local enquiry is considered necessary, should never be required to deposit for the purpose any sum in excess of that amount.

Fees in respect of Adversary's Pleader or Mukhtyar.

6. [*RULES* for regulating the fees payable, in the Subordinate Civil Courts, by any party in respect of his adversary's Pleader or Mukhtyar—Section 27, Clause (c), Act XVIII of 1879—Rule No. 6 of 29th August 1883.*]

Fees of Pleaders.

The sums which shall be payable by an unsuccessful party in any suit or proceeding in the Subordinate Civil Courts, in respect of the fees of his adversary's Pleader, shall be calculated at the rates specified in the following scale, that is to say :—

1. In suits for the recovery of specific property or a share of specific property, whether immoveable or moveable, or for the breach of any contract, or for damages—

(*a*) If the amount or value of the property, debt, or damages decreed shall not exceed R5,000, at 5 per cent. on the amount or value decreed.

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* Published in the *Calcutta Gazette* of 15th August 1883, Part I, pages 694 to 696, and in the *Assam Gazette* of 25th August 1883, Part III, pages 437 and 438.

(*b*) If the amount or value shall exceed R5,000 and not exceed R20,000, on R5,000 at 5 per cent., and on the remainder at 2 per cent.

(*c*) If the amount or value shall exceed R20,000, and not exceed R50,000, on R20,000 as above, and on the remainder at 1 per cent.

(*d*) If the amount or value shall exceed R50,000, on R50,000 as above, and on the remainder at ½ per cent.

Provided that in no case shall the amount of any fee exceed R3,000.

2. (*a*) In suits for injuries to the person or character of the plaintiff, such as suits for assaults or defamation, or for injuries to property, or to enforce rights where the pecuniary value of such injury or right cannot be exactly defined, as in suits for interference with a right to light or water, or to enforce a right of preemption, or suits for the partition of joint property, where partition is improperly resisted, and generally in all suits not included in Rule 1, if the plaintiff succeed, the Court may order the fee of the Pleader for the plaintiff to be calculated with reference either to the amount decreed or according to the valuation of the suit,or according to such a sum, not exceeding the valuation, as the Court shall think reasonable and shall fix with reference to the importance of the subject of the dispute. In any such case the amount of the Pleader's fee shall be calculated according to the scale in Rule 1.

(*b*) In this and in the following rules cases under Part III of the Land Acquisition Act, X of 1870, shall be deemed to be suits, and the fees allowable therein [may be calculated either on the amount of compensation decreed in excess of the sum tendered by the Collector or on any smaller amount which the Court in its discretion may think proper.

In the event of the sum tendered by the Collector being decreed, Pleaders' fees may be awarded to Government on the difference between that sum and the sum claimed, or on any smaller amount which the Court in its discretion may think proper:

Provided that, in any case in which the remuneration under the above rules shall, in the opinion of the Judge, prove to be insufficient, or in any case not provided for, he shall be at liberty to allow Pleaders' fees, as in miscellaneous cases, under Rule 8.]*

3. (*a*) If the suit be dismissed upon the merits, or be decreed for the defendant, the defendant's Pleader's fee shall be calculated according to the scale in Rule 1 on the whole value of the suit. If the suit be dismissed on the merits, and a decree awarded to the defendant for any matter not included in the plaint, the defendant's Pleader's fee shall be calculated upon the amount involved in the plaint, *plus* the amount decreed, according to the scale in Rule 1.

(*b*) If the suit be dismissed for default, the amount of the fee to be paid to the defendant's Pleader shall be left to the discretion of the Court; provided that such fee shall not exceed the moiety of the fee calculated on the whole value of the suit under Rule 1.

4. If the suit shall be decreed for the plaintiff as to part only of his claim, and as to the remainder shall be dismissed or decreed for the defendant, the fees payable by any party in respect of the fees of his adversary's

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* The words in brackets were substituted for the original words by Rule No. 1 of 7th January 1886.

Pleader shall be fixed with reference to the value of that part of the claim in respect of which such adversary shall succeed, and shall be calculated according to the scale in Rule 1.

5. If in any suit for unliquidated damages the plaintiff shall succeed as to the whole of his cause of action, but shall fail to recover the full amount of damages claimed, the defendant shall not be entitled to any allowance for a Pleader's fee in respect of the difference between the amount of damages claimed and the amount recovered, unless the Court shall be of opinion that the amount claimed for damages was unreasonable or excessive, and shall, for that or any other cause to be specified, direct that a fee for his Pleader shall be allowed to the defendant.

If specially allowed, the amount of such fee shall be fixed with reference to the amount of damages disallowed to the plaintiff, and shall be calculated according to the scale in Rule 1.

6. If several defendants who have a joint or common interest succeed upon a joint defence, or upon separate defences substantially the same, not more than one Pleader's fee shall be allowed, unless the Court shall otherwise order for a reason which shall be recorded. If only one fee be allowed, the Court shall direct to which of the defendants it shall be paid, or shall apportion it among the several defendants in such manner as the Court shall think fit.

7. If several defendants who have separate interests set up separate and distinct defences and succeed thereon, a fee for one Pleader for each of the defendants who shall appear by a separate Pleader may be allowed in respect of his separate interest. Such fee, if allowed, shall be calculated with reference to the value of the

separate interest of such defendant, according to the scale in Rule 1.

8.[1] The amount in respect of the fee of an adversary's Pleader, when allowed in any *miscellaneous proceeding*, or for any other matter than that of appearing, acting, or pleading in a suit prior to decree, shall be fixed by the Court according to the following scale, *viz.* :—

(*a*) A fee not exceeding R80 in the Court of a Judge or Subordinate Judge ;

(*b*) A fee not exceeding R16 in the Court of a Munsif in suits of amount or value exceeding R300;

(*c*) A fee not exceeding R4 in the Court of a Munsif in suits of amount or value not exceeding R300.

In *Miscellaneous Appeals*, except in cases where it may be ordered that each party shall pay his own costs, a specific sum shall be awarded as payable on account of the adversary's Pleader's fee, and the award of such sum shall be distinctly recorded at the foot of the order, with the other costs, if any, incurred by the parties respectively.

9. In every suit in any Court of original jurisdiction which shall be undefended, the amount to be paid as the fee of the adversary's Pleaders shall be calculated at one half the sum at which it would have been charged had the suit been defended.

10. If a review be rejected after summoning the opposite party, or if after the admission of a review the former judgment be upheld, the Pleader's fee, if allowed

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[1] NOTE.—For the purposes of these Rules, cases under Part IV of the Land Acquisition Act, X of 1870, shall be treated as "Miscellaneous cases," and the fees allowable to pleaders therein shall be calculated under Rule VIII. (*Rule No. 6 of 23rd March 1885.*)

Published in the *Calcutta Gazette* of the 4th March 1885, Part I, page 164, and in the *Assam Gazette* of the 14th March 1885, Part III, page 112.

to the successful party in the review, shall be fixed by the Court at an amount which shall not in any case exceed one-half of the amount allowed by these rules in case of an original decree.

11. If after the admission of a review the former judgment be reversed, the fee of the Pleader in respect of the review, if allowed to the party who succeeds in the review, shall not exceed one-half the amount allowed by these rules in cases of an original decree. The fee allowed in respect of the review will be irrespective of any Pleader's fee which may be included in any costs in respect of the original suit which may be adjudged to the successful party by the judgment in review.

12 The amount to be allowed on account of the fee of an adversary's Pleader in *Appeals* shall be calculated on the same scale as in original suits, and the principles of the above rules as to original suits shall be applied, as nearly as may be, to appeals.

13. When the interest of several appellants is joint, not more than one Pleader's fee shall be allowed, unless the Court shall otherwise order for a reason to be recorded. If one fee only be allowed the Court shall direct to which of the appellants it shall be paid, or shall apportion it amongst the several appellants in such proportions as it shall think fit.

14. If several respondents in *one Appeal* appear by separate Pleaders, in determining whether several Pleaders' fees shall be allowed, the Court shall be guided by the principles laid down in Rules 6 and 7.

15. If in any instance the payment of fees according to the preceding rules shall not appear to the Court to be just and equitable, the Court may exercise its discretion in charging the fee of the adversary's Pleader in such

manner as may appear just and equitable; but in every case, when an allowance is made for a Pleader's fee, the amount shall be calculated according to the scale in Rule 1, or according to Rule 8, as the case may be.

Provided that, if under the provisions of Section 562, Act XIV of 1882, the decree of a Lower Court be reversed on appeal, and the case be *remanded* to the Lower Court to be tried upon the merits, the Lower Court on passing its decree may allow to the successful party such a sum as the Court shall consider to be reasonable, not exceeding half the amount calculated according to the scale in Rule 1 on account of his Pleader's fee in respect of the re-hearing, in addition to the full amount of his Pleader's fee calculated according to that scale.

Provided also, that if an appeal be preferred against the decree passed on remand, the fee, if any, allowed by the Appellate Court to the party succeeding in that appeal shall not, unless for a special reason to be recorded, be less than one-fourth, nor more than half of the amount calculated at the rate mentioned in Rule 1, if by the decree of the Appellate Court remanding the case the same party shall have been allowed a full Pleader's fee in respect of the former appeal in the suit, either absolutely or conditionally, upon his succeeding upon the remand.

Provided also, that if under Section 566, Act XIV of 1882, an issue be framed and referred by the Appellate Court for trial by the Lower Court, the Appellate Court may, if it think proper, allow to the party who shall succeed in the appeal such a sum as the Court shall consider reasonable, not exceeding half the amount calculated at the rate mentioned in Rule 1 for his Pleader's fee in respect of the trial of the issue in the Lower Court, in addition to a full fee, in respect of the appeal, calculated at that rate.

Fees for Mukhtyars.

16. When a Mukhtyar is employed, 15 per cent. of the sum allowed as Pleader's fee shall be allowed as such Mukhtyar's fee, and the remaining 85 per cent. only shall be allowed as the Pleader's fee.

Small Cause Courts.

17. The above rules, so far as they are applicable, extend to Courts of Small Causes constituted under Act IX of 1887, with the exception of Rule 8, in lieu of which the following special rule is prescribed :—

The amount in respect of the fee of an adversary's Pleader, when allowed in any miscellaneous proceeding, or for any other matter than that of appearing, acting, or pleading in a suit prior to decree, shall be fixed by the Court according to the following scale, *viz.* :—

One rupee to six rupees in proceedings connected with cases not exceeding ₨500 in value.

Revenue Agents.

7. [*Revenue Agents practising as Pleaders in Rent Suits.—C. O. No. 30 of 19th August 1878.*]—Revenue Agents should be allowed half Pleader's fees. If a Pleader and Revenue Agent be retained and act on the same side in the same suit, one Pleader's fee should be allowed.

CHAPTER IV.

Records, Wills, Copies.

Records.

1. [*Rules* for the Arrangement, Classification, Preservation, and Destruction of the Records of Civil Proceedings.*—(*C. O. No. 7, dated the 2nd June 1890*).]

Part I.

The following rules apply to—

RECORDS OF ALL CIVIL COURTS OTHER THAN SMALL CAUSE COURTS.

Section I.

THE CLASSIFICATION OF RECORDS OF JUDICIAL PROCEEDINGS.

1. The records of judicial proceedings, whether suits or cases, are divided into four classes. This classification relates only to the preparation and the preservation or destruction of the record, and does not affect any other classification of suits or cases for the purpose of returns or statements.

Class I includes records of—

(*a*) Suits for or affecting immoveable property, including suits under Act IV of 1882 for foreclosure, redemption, or sale.

(*b*) Suits in respect of the succession to an office, or to establish or set aside an adoption, or otherwise determine the status of an individual.

(*c*) Suits relating to public trusts, charities, or endowments.

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* Taking effect from the 1st of January 1891.

Published in the *Calcutta Gazette* of the 30th April 1890, Part I, pages 413 to 419, and in the *Assam Gazette* of the 17th May 1890, Part III, pages 265 to 270.

(*d*) Suits between landlord and tenant to determine the rate of rent, or in which a question of right to enhance or vary the rent of a tenant, or any question relating to a title to land or to some interest in land as between parties having conflicting claims thereto, is in issue.

(*e*) Cases under Section 158 of Act VIII of 1885 to determine the incidents of a tenancy.

Class II includes records of—

(*a*) Contested and uncontested suits and cases for probate and letters of administration, and for the revocation of the same.

(*NOTE.—The custody and preservation of a Will itself is provided for by Chapter III, Rule IV, and consequently a Will is not a part of the record within the meaning of this rule.*)

(*b*) Cases under Act VIII of 1890 relating to the guardianship of minors and the administration of their property.

(*c*) Cases under Act XXXV of 1858 relating to the guardianship of lunatics and the care of their estates.

(*NOTE.—An application by an executor or administrator, or by the guardian of a minor or lunatic, to sell, mortgage, &c., property belonging to the estate, is an application in the case, and together with all the proceedings connected with it must form part of the record of the case.*)

Class III includes records of—

(*a*) All suits which do not come under Class I or Class II, excluding suits of the Small Cause Court class which are tried in the Regular Civil Courts under the procedure prescribed for Small Cause Courts.

(*b*) Cases under Act XIX of 1841.

" Act VII, 1889 (Collection of Debts).

" Act X, 1870 (Land Acquisition Act), Parts III and IV.

" Act VII (B.C.), 1876 (Land Registration Act), Section 59.

" Act IV of 1882, Section 83, regarding the redemption and foreclosure of Mortgages.[1]

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[1] Added by C. No. of the 18th March 1891.

Cases under Act XVIII, 1879 (Legal Practitioners Act), Section 14.

,, Act VIII, 1885 (Bengal Tenancy Act), Sections 91 to 93.

,, The Civil Procedure Code for a declaration of insolvency.

,, The Civil Procedure Code to transfer a decree when no application for execution is pending.

,, Regulation V, 1799, Section 7, regarding the property of intestates in which a claimant appears.

(*c*) Such other cases as the High Court may from time to time direct to be included.

(*Note.—Proceedings under the Civil Procedure Code for the transfer or for the restoration of a suit or appeal, or for a review of judgment, are proceedings in the suit or appeal, and must form part of the record relating thereto.*)

Class IV includes—

Proceedings on an application to execute a decree.

(*Note.—Under the law all such proceedings are proceedings in the suit, and they must be entituled as such; but for the purpose of the arrangement and ultimate disposal of the record, each application for execution shall be treated as a separate case, the record of which shall include the papers on all matters connected with the execution from the date on which the application was presented until it is finally disposed of, excepting only proceedings under Section 331 of the Procedure Code, which are suits and come under Class I.*)

Records of suits of the Small Cause Court class tried under the Small Cause Court Procedure by Judicial Officers empowered under Section 25, Act XII of 1887, shall be disposed of in accordance with the rules hereinafter provided for the records of Courts of Small Causes (Part II).

SECTION II.

THE ARRANGEMENT OF THE RECORD DURING TRIAL.

2. Every record under CLASS I shall consist of four files, to be styled and marked respectively File A, File C1, File C2, File D.

File A shall contain—

(*a*) Table of contents.
(*b*) The plaint or application, together with any schedule annexed thereto.
(*c*) The written statement of the defendant or the counter-petition.
(*d*) Memorandum of the issues.
(*e*) Award of arbitrators or petition of compromise, if given effect to in the decree; also the return or report and the map and field-book (if any) of a Commissioner in matters relating to immoveable property, if referred to or given effect to in the decree, but not any portion of the evidence taken by such Commissioner; also, in the case of Minors or Lunatics, any order of the Court sanctioning a compromise as beneficial to the Minor or Lunatic.
(*f*) The order (if any) for administration, or for partition, or for accounts or enquiry, with the directions given and the judgment upon which such order is founded.
(*g*) The judgment.
(*h*) The final decree, and in mortgage suits the decree or order absolute after decree.
(*i*) The order sheet.
(*j*) The copy of the judgment and decree of the Appellate Court or Courts (if any).

File C1 shall contain—

(*a*) Table of contents.
(*b*) All the evidence, oral and documentary, upon which the subject-matter of the suit is decided.
(*c*) Lists of documents admitted in evidence.

File C2 shall contain—

(*a*) Table of contents.

(*b*) All petitions and papers, including those relating to proceedings incidental to the suit, not specified as included in any other file.

File D shall contain—

(*a*) Table of contents.

(*b*) All summonses, processes, returns thereto, lists of witnesses, petitions relating to the attendance of witnesses or adjournments, roobokaries calling for or sending papers or records, and affidavits relating to matters in this rule mentioned.

3. Every record under CLASS II shall consist of one file, to be styled and marked File B, which shall contain all the papers relating to the case.

4. Every record under CLASS III shall consist of one or two files, according as the presiding Judge shall in each instance direct. If there is one file it shall be styled and marked File C; if there are two files they shall be styled and marked respectively File C and File D.

When there is only one file it shall contain all the papers relating to the case. When there are two files File C shall contain the papers specified as included in Files A, C1, and C2 of Class I. File D shall contain the papers specified as included in File D of Class I.

(NOTE.—In deciding whether there shall be one or two files the Judge shall have regard to the nature of the case and the size which the record is likely to attain.)

5. Every record under CLASS IV shall, except in the cases specified below, consist of one file, to be styled and marked File C, which shall contain all the papers relating to the case.

If the application is to execute a decree in a suit included in Class I, and a question is determined as to the construction of the decree, or its effect as regards all or any of the parties thereto, or if possession is given of immoveable property in pursuance of the decree, the record shall, as soon as the application is finally disposed of, be divided into two files, to be styled and marked respectively File A and File C.

In that case *File A* shall contain—

(*a*) Table of contents.
(*b*) The application for execution.
(*c*) The order sheet.

When a question as to the construction, effect, or scope of the decree is raised and determined.

(*d*) The petition raising any question as to the construction or effect of the decree, and any counter-petition.
(*e*) The judgment of the Court on such question.
(*f*) The copy of the judgment of the Appellate Court or Courts (if any).

When possession of immoveable property is given in pursuance of the decree.

(*g*) The Nazir's return of delivery of possession.

File C shall contain all other papers.

6. The record of the Appellate Court shall be arranged in the same way as that of the Court of Original Jurisdiction, except that there shall be no D File, the papers which would belong to the D File being attached to the C File.

The files shall be marked A, B, or C, as in the Court of First Instance, according to the nature of the suit or case.

7. All plaints, written statements, applications, and depositions shall be written on paper of foolscap size, and on one side only.

8. The pleadings, applications, and proceedings in every suit or case shall, as far as possible, be attached to

the file to which they belong as the trial proceeds, and shall be arranged in the order in which they are brought before the Court.

9. The depositions of witnesses shall be arranged in the order in which they are given.

10. The distribution of the papers into the proper files must in all cases be made before the record is deposited in the record-room, the object being to avoid the necessity of sorting the papers in the record-room and to enable the Record-keeper to know at once, by reference to the letter on the file and without opening any file, what files can be destroyed at any given time.

11. To each file of every record under Class I, II, or III there shall be prefixed a title-page in the following form:—

TITLE-PAGE.

Class____________ File____________

In the Court of the____________of____________

Suit (or case) No. of 189 .

____________*Plaintiff.* } Name of 1st plaintiff and of 1st defendant only need be entered.

____________*Defendant.* }

Date of decision of Original Court____________

" " of Appellate Court____________

12. To each file of every record under Class IV there shall be prefixed a title-page in the following form:—

TITLE-PAGE.

Class____________ File____________

In the Court of the____________of____________

Execution Case No. of 189 . Original Suit No. of 189 .

____________*Decree-holder,*

____________*Judgment-debtor.*

Date on which execution case was finally disposed of. }____________

Date of any subsequent decision of Appellate Court. }____________

13. The title-pages shall be of different colours :—
The colour of the A file being white.
,, ,, B ,, red.
,, ,, C, C1, C2 files being yellow.
,, ,, D file being blue.

14. Prefixed to every file there shall be a table of contents in the form of which the following is a specimen :—

TABLE OF CONTENTS.

DISTRICT__________COURT__________

NO.________OF_______

Name of 1st Plaintiff or Applicant________________

Name of 1st Defendant or Opposite Party____________

*Class*_______, *File*_______

Serial number of paper.	Sheets.	Description.	Value of Court-fee stamps.	REMARKS.
1	2	3	4	5
			R	
1	1—3	Order Sheet.		
2	4—5	Plaint	50	
3	6—8	Written Statement.		
4	9	Memorandum of Issues.		
5	10—12	Judgment.		
6	13—14	Decree.		
TOTAL VALUE OF COURT-FEE STAMPS.		ON PLAINT . ON OTHER PAPERS		

Signature of Officer of Court. Compared and found correct.

*Date*________________. *Record-keeper.*

15. The table of contents shall be written up at the close of each day as the trial proceeds, and, except as otherwise provided, shall show the papers in the order in which they are filed. Column 1 will give the consecutive number of the different papers in the file, irrespective of the number of sheets which they contain. The sheets in the file (exhibits excepted) shall be numbered consecutively, and column 2 will give the consecutive numbers of the sheets.

If a paper attached to one file is, in accordance with the preceding rules, transferred to another, a note to this effect will be entered opposite to it in the column of remarks in the table of contents of the former file, and the paper will be entered in the table of the file to which it is transferred, with a new number.

16. Exhibits are not to be shown in the table of contents. The list which is attached to them under the following rules will alone be shown in this table, and will bear serial and sheet numbers.

17. The lists and the documents referred to in them shall not be attached to any file while the trial is proceeding. When the trial is over the lists shall be numbered with their proper serial and sheet numbers, and shall be affixed to the file to which they belong, being in every case the last papers which are attached to it. The necessary entries in connection with such lists shall then be made in the table of contents.

Documents.

18. All documents produced with the plaint or at the

first hearing shall be accompanied by a list in the following form :—

COURT OF ______________________

Suit No.__________of____________

LIST OF DOCUMENTS PRODUCED WITH THE PLAINT *(or at first hearing) on behalf of Plaintiff (or Defendant). This list is filed by (name) this (date).*

Serial Number.	Description of documents.	Date of document.	Whether registered or not.	If tendered in evidence, date on which it was		Remarks.	Signature of party or pleader for documents rejected; or returned, and date thereof.
				Admitted.	Rejected.		
1	2	3	4	5		6	7

Columns 1 to 4 shall be filled in by the person who files the list. In column 5 shall be entered only such documents as are tendered and admitted or rejected. The entry shall be made by the officer in charge of the record at the time when the document is admitted or rejected.

19. When a document included in the above list is tendered in evidence, it must, if rejected, be at once endorsed as prescribed by Section 142 and returned to the person tendering it, who shall give a receipt in column 7 of the list. If admitted in evidence, it shall be detached from the said list, and, after being endorsed in accordance with the provisions of Section 141, shall be annexed to the list referred to in the following rule.

20. A separate list of the documents admitted in evidence on behalf of each party shall be prepared by the officer in charge of the record and signed by the presid-

ing Judge. The documents shall be entered in these lists in the order in which they are admitted and marked.

LIST OF DOCUMENTS ADMITTED IN EVIDENCE *for the Plaintiff (or Defendant).*

Distinguishing mark or number.	Description of documents.	Date of admission.	Whether admitted after or without objection.

Signature of Judge.

21. The Court shall mark the documents which are admitted on behalf of the plaintiff or plaintiffs with figures in the order in which they are admitted, thus 1, 2, 3, &c.; and the documents admitted on behalf of the defendant with capital letters, thus: A, B, C, &c.

When there are two or more parties defendants, the documents of the first party defendant may be marked A1, B1, C1, &c., and those of the second A2, B2, C2, &c.

22. When a number of documents of the same nature are admitted, as, for example, a series of receipts for rent, the whole series should bear one number or capital letter, a small number or small letter being added to distinguish each paper of the series.

23. When an original document, after being marked for the purpose of identification, is returned and a copy thereof substituted under the provisions of Section 62 or 141A, a note of the return of the original shall be made in the lists referred to in the preceding rules.

24. Documents produced, but not tendered in evidence shall, at the conclusion of the trial, be returned to the person producing them or his pleader. A pleader is bound to take back any document produced by his client which the Court under this rule orders to be returned, and to sign a receipt for the same in the proper column of the list.

25. To every copy of a decree given to the parties to a suit or case there shall be annexed a printed notice in the following form, calling upon them to withdraw their exhibits as soon as the decree shall have become final :—

Notice to take back Documents.

In the Court of________________

Suit No ____________ of_______

____________________________________*Plaintiff.*

____________________________________*Defendant.*

The parties in the above suit are hereby required to take back, as soon as the decree shall have become final, the documents produced by them which are exhibits in the above case. If they fail to take them back the documents will be destroyed when the record is destroyed.

*Date*__________________ *Judge.*

The Order Sheet.

26. The practice of writing orders on petitions, reports, &c., is strictly prohibited. Such orders shall be written on the order sheet which shall be kept in the

form annexed and attached to the record of each suit or case.

On every petition, return, or report requiring an order to be made upon it there shall be entered at the head thereof a note of the serial number (corresponding with the serial number in the order sheet) and the date of the order made, and no more; the order and the reasons for making it (if any) will, except as provided below, appear only in the order sheet.

27. The order sheet, being intended to show the course of a suit or case from first to last, shall also contain a note of every order made in the suit or case, and shall show the date of, and the proceedings at every hearing. It shall show, among other matters, the dates on which the plaint and written statement were filed, issues were recorded or amended, witnesses examined, and the names of such witnesses, of the delivery of judgment, of the signing of the decree, and of any application for review of judgment or amendment of the decree. It shall also contain a note of proceedings, such as the reading of the deposition of a witness examined by Commission, the reading of a Commissioner's report, and of the fact of any objection being made thereto, and if witnesses are in attendance when a case is adjourned the fact shall be noted.

28. Orders, the reasons for which require to be recorded at length, shall not be written on the order sheet, but a note of the order and of the date on which it was made shall be entered in it.

29. Orders fixing dates or adjourned dates for hearing, or directing anything to be done by the parties or their pleaders, shall be signed then and there by the parties or their pleaders.

30. The order sheet may be written by an officer of

the Court at the dictation of the presiding Judge, who, however, shall sign and be responsible for the correctness of the entries in it.

Form of Order Sheet.

Serial No. of Order or Proceeding.	Date of Order or Proceeding.	Order or other Proceeding.	Signature of Judge.	Signature of Parties or Pleaders when necessary.
1	2	3	4	5

SECTION III.

THE TRANSMISSION OF RECORDS TO THE DISTRICT RECORD-ROOM.

31. The records of decided contested suits and cases of Classes I, II, and III, and the records of disposed of cases of Class IV, shall be forwarded to the District Record-room by Judicial Officers at head-quarters in the course of the month, and by Judicial Officers at out-stations in the course of the quarter next succeeding that in which they were decided or disposed of.

32. The records of uncontested suits and cases of Classes I, II, and III shall be forwarded to the District Record-room by Judicial Officers at head-quarters in the course of the quarter, and by Judicial Officers at out-stations in the course of the half-year next succeeding that in which they were decided.

33. District Judges shall fix the dates in the course

of the month, quarter, or half-year on which the records from each Court at head-quarters and out-stations respectively shall be despatched to the District Record-room. They should endeavour so to fix the dates that too many records shall not reach the record-room at one and the same time.

34. A list in the following form shall accompany the records. These lists must be uniform in size and shape and will be bound up so as to constitute a catalogue of records in the record-room.

List of Records sent to the District Record-room from the Court of

Consecutive Number of Record.	No. of Case in Court's Register.	Description of Case and Class under Record Rules.	Names of Parties.	Date of Decision.	Files (A, B, C, or D) of which the Record consists.	Dates of destruction of Files and initials of Officer superintending destruction.	REMARKS.

Date of despatch

Signature of the Officer of despatching Court.

Date of receipt *Signature of District Rceord-keeper.*

35. The cost of carriage shall be met by payment from the District Judge's contingent allowance, and the

Judge will give all necessary orders as to the mode of transmission.

36. On the arrival of the records in the District Record-room the Record-keeper shall ascertain that the records correspond with those in the despatch list, that the contents of each file correspond with the table of contents, that the papers bear the Court-fee stamps shown in such table, and that the stamps have been duly cancelled. He shall also cause the stamps to be punched a second time with the punch provided for this purpose.

37. The Record-keeper shall bring to the notice of the Judge any irregularities that may have occurred in connection with the arrangement or despatch of the records or in regard to the cancellation of the stamps.

SECTION IV.

CUSTODY OF RECORDS.

38. The Record-keeper shall not remove any record or allow any record to be removed without the orders of the District Judge.

39. When a record is called for, except by the High Court or a Court acting under Section 137, Civil Procedure Code, the Court or Officer calling for it shall state the circumstances which render its production necessary. The District Judge may decline to forward it if in his opinion no sufficient grounds are shown. When a record is removed from the Record-room for any purpose the Record-keeper shall enter in a register to be kept for the purpose a note of the number of the case, the names of the parties, the designation of the Court or Officer to which or to whom it is sent, and the date of its removal. On the return of the record he shall note in the same register the date of the return.

SECTION V.

THE PRESERVATION AND DESTRUCTION OF RECORDS.

40. The A Files shall be preserved for ever.

The B Files shall be destroyed at the end of 25 years.

The C Files shall be destroyed at the end of 12 years.

The D Files shall be destroyed at the end of 3 years.

41. The above periods shall be calculated as regards suits or cases of Classes I, II, and III from the date of the final decree or order, which in cases appealed will be that of the Appellate Court.

42. In cases of Class IV, the period shall be reckoned from the date on which the application for execution was finally disposed of by the Court executing the decree or by a Court of Appeal, whichever is the later date. For the purposes of this rule each execution record shall be dealt with separately, irrespective of any other application to execute the same decree or order.

43. The destruction of all papers shall be carried into effect by burning in the presence of the Record-keeper.

SECTION VI.

MISCELLANEOUS NON-JUDICIAL CASES.

44. The records of Miscellaneous Non-Judicial Cases, including cases relating to the deposit of rent, shall be forwarded to the District Record-room from Courts at head-quarters in the course of the quarter, and from Courts at out-stations in the course of the half-year next succeeding that in which they were disposed of.

[NOTE.—The date of disposal of an application to deposit rent shall be deemed to be that on which the deposit has been paid away, or, if it has not been paid, that on which the notice prescribed by Clause II of Section 63 of the Tenancy Act has been served.]

45. A list in the form prescribed for Judicial records shall accompany all records of this class when transmitted to the Record-room.

46. Such records shall be destroyed at the end of six years from the date on which the cases were disposed of.

PART II.

2.—The following rules apply to—

RECORDS OF COURTS OF SMALL CAUSES.

1. The records of suits decided by Judges of Small Cause Courts when presiding in such Courts shall not be forwarded to the District Record-room, but shall be retained in the Court to which they belong until the period for their destruction shall arrive.

2. The record shall consist of only one file, including proceedings in connection with the execution of the decree.

3. If there is a decree under which any one is entitled to recover anything the record shall be destroyed at the end of one year from the date on which the decree has been fully satisfied, or on which it has been declared that execution is barred or cannot be had. In other cases the record shall be destroyed at the end of one year from the date of the decree.

Supplementary Instructions.

3.—[*Records when allowed out of the custody of the Officers of the Court.*] (*a*) [*C. O. No. 15 of 16th December 1875.*]—All records of cases should be retained in the record-rooms of the Courts to which they pertain, or of the superior Court of the district, and not allowed to pass out of the custody of the officers of such Courts, except when called for by superior judicial authority, or required for the purposes of Section 137 of Act XIV of 1882 by a Civil Court. It is improper and inconvenient that records of the Courts of Justice should be sent to other public officers or functionaries. If a reference to their contents is required, the proper procedure is ordinarily to obtain copies of the requisite papers.

N. B.—Civil Judges of every grade should exercise careful discretion in acting under the provisions of Section 137 of the Code of Civil Procedure, Act XIV of 1882.

(*b*) [*C. O. No. 20, dated the 30th April 1879.*]—When, in the course of proceedings in a Criminal Court it becomes necessary to refer to the contents of records deposited in another Court, the ordinary procedure is to require copies of the necessary papers to be filed. It frequently happens, however, that in the course of a criminal trial the production of an original record becomes necessary. In such cases the Court where the record is deposited shall comply with the requisition of the Criminal Court requiring its production. Judges or Magistrates making such requisitions are, however, required to state therein that the production of the original is necessary and the reason of the necessity. If the Court receiving the requisition is of opinion that the reason given for requiring the production of an original record instead of a copy is insufficient, it should nevertheless comply with it, reporting the matter for the consideration of the High Court.

4.—[*Instructions as to the distribution between Government and parties to suits of the postage charge incurred in the course of Judicial proceedings.—C. O. No. 23 of 3rd June 1880.*] (*a*) When a record is called for by a Civil Court at the instance of a party, the cost of postage should be borne by such party, both for the transmission of the record and for its re-transmission, and this more especially in execution cases. And when a Court calls for records of its own motion, and sees fit in its discretion to make the postage, which is in the first instance paid by the State, a part of the costs payable by the losing or other party, such postage should include the cost of re-transmission of the records. Such records do not in the first-mentioned case stand in the position of the records alluded to in the letter from the Government of India in the Financial Department, No. 3118, dated 21st November 1870, ruling that "the charge for transmitting records through the post from one Court to another should be borne by the State."

(*b*) The practice of sending to Munsifs records of execution cases by chance "peons and coolies" is an insecure and unsatisfactory plan, as no one can effectually be held responsible in case of important documents being lost under such circumstances. The public post is the proper and regular mode of transmission, and ought to be resorted to on all such occasions.

(*c*) [*Postage of Records to the High Court.—C. O. No. 33 of 23rd November 1870.*]—All records of cases sent up to the High Court may be transmitted by parcel post instead of by letter post, *prepayment* of the requisite postage being made in every instance in the manner prescribed by the Post Office Rules.

Wills.

(ACT X OF 1865.)

5.—[*Act X of 1865, Section 259—Rules issued by the Government of Bengal for the Custody, Preservation, and Inspection of Wills—C. M. No. 34 of 3rd December 1867.*]

(*a*)[1] All original Wills presented to a District Judge, in accordance with the provisions of Section 244 of Act X of 1865, shall, immediately upon the passing of the order granting Probate, or Letters of Administration, under Sections 254 and 255 of the same Act, be committed to the care of the Head Clerk or Chief Ministerial Officer of the Judge's Court, who shall be responsible for their safe custody.

(*b*) The said Officer shall, on the receipt of every original Will, cause a copy of the same to be carefully entered in a Register to be kept for that purpose, and shall also cause to be prepared an Alphabetical Index, in which the name of the testator, &c., and the number and page of the Register in which a copy of the Will is entered, shall be recorded in the annexed form :—

INDEX TO WILLS.

NAME OF TESTATOR.	Residence, &c.	No. and year of Register.	Page.

(*c*)[2] The original Wills shall be deposited in a fire-proof safe, which shall be kept in the office-room of the Head Clerk, or other officer aforesaid, to whom the safe custody of the Wills may have been entrusted. Where the Court has no iron safe the Wills may be placed in a small block-tin box, the key of which shall remain with the Judge, and the District Registrar shall, if the Judge require him, lock up this box in his fire-proof safe, giving it up to the Judge on his written demand from time to time.

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[1] Revised by Government of Bengal Notification of 17th September 1885,—*Calcutta Gazette*, 23rd September 1885, Part I, page 908.

[2] See *Calcutta Gazette*, 25th June 1873, Part I, page 795.

(*d*) Every inspection of original Wills or the Registers thereof, as well as applications for copies of Wills, shall be made within the hours fixed by the Judge, and published by a notification posted in a conspicuous place in the Court, and shall be subject to the conditions contained in the Rules next hereinafter following.

(*e*) The inspection of an original Will shall be allowed only on the written order of the Judge previously obtained, and shall take place in the presence of the Head Clerk, or other Officer who may have charge of the same, and that Officer shall be responsible for the Will not being taken out of his sight during such inspection, and also that no erasures or alterations are made in it.

(*f*) Application for a copy of an original Will shall be submitted to the Judge, and such copy shall only be granted subject to the conditions which attach to the inspection of original Wills.

(*g*)[1] The following fees shall be levied in Court-fee stamps for the inspection of Wills, &c. :—

(i) For the inspection of an original Will, Court-fee stamp of the value of 1 rupee.
(ii) For the inspection of a copy of a Will in the Register, Court-fee stamp of the value of 8 annas.
(iii) For copies, the same fee as for inspection, in addition to the copying charges, which shall be at the usual rate obtaining in the Civil Courts, and shall be levied in the same way as such charges are levied in the Civil Courts—Rule VIII of this Chapter.

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[1] Revised by Government of Bengal Notification of 11th May 1889.

(*h*)[1] All applications for copies or inspection of Wills and Registers of Wills shall be entered in the Register of Applications for Copies prescribed by Circular Order No. 6 of 9th May 1890.[2]

(*i*)[3] In cases where the fees collected exceed R5 per mensem, District Judges may assign a moiety to the officer entrusted with the custody of the Wills, the balance being credited to Government. In cases where the collections do not average more than R5 per mensem, District Judges may sanction the payment to such officer of the full amount realized.

Copies.

6.—[*Instructions for dealing with Applications for Certified Copies of Documents appertaining to the Record of a Civil Suit—C. O. No. 6 of 2nd June 1875.*]

(*a*) A plaintiff, or a defendant who has appeared to the suit, is entitled, at any stage of the suit, to obtain copies of the record of the suit, including exhibits which have been put in *and finally accepted* by the Court as evidence.

(*N.B.*—A party who has been ordered to file a written statement is not entitled to inspect or take a copy of a written statement filed by another party until he has first filed his own.)

(*b*) A stranger to the suit may, *after decree*, obtain, as of course, copies of the plaint, written statements, affidavits, and petitions filed in the suit: and may, for sufficient reason shown to the satisfaction of the Court, obtain copies of any such documents *before decree.*

(*c*) A stranger to the suit may also obtain, as of course, copies of judgments, decrees, or orders at any time after they have been passed or made.

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[1] Revised by Government of Bengal Notification of 11th May 1889—*Calcutta Gazette*, dated 15th May 1889, Part I, page 415.

[2] See Subsidiary Register No. 7, Chapter V, Rule 1, page 255.

[3] Revised by Government of Bengal Notification of 3rd October 1887, *Calcutta Gazette*, dated 5th October 1887, Part I, page 840 (C. O. No. 9, dated the 25th June 1889).

(*d*) A stranger to the suit has no right to obtain copies of exhibits put in evidence, except with the consent of the person by whom they were produced.

NOTE.—Attention should be given to the above instructions in determining whether or not an application for a certified copy of a document appertaining to the record of a civil suit should be granted or not.—(*C. O. No. 30 of 23rd August 1879.*)

7.—[*Applications for information and for copies—C. O. No. 18 of 23rd June 1870.*[1]]—

1. All applications for *information* or for *copies* of papers or documents shall be made at a place and to the Officer designated by the District Judge for that purpose, between the hours of 12 and 2.

2. The officer to be so designated shall be either the Record-keeper or such other paid Ministerial Officer of the Judge's Court as can be spared. The Officer taking the duty on each day shall be noted by the Sarrishtadar in the office diary.

3. The applications shall be on a printed form A in duplicate, to be obtained from the Nazir at the price of 1 pice or $\frac{1}{4}$ anna per sheet. The applicant is to present it with the duplicate spaces reserved for the date, his name and residence, and the particulars of the information required filled up. The officer receiving such application is to enter in duplicate in the first column the consecutive number, and in the fifth column his signature. If he can furnish the information at once he will note the same on the upper portion of the form in the column for remarks, and make that part over to the applicant, taking the latter's receipt in the column for remarks in the lower portion, which will be retained and recorded in the office.

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[1] These provisions have been extended to subordinate Civil Courts (*C. O. No. 30 of 19th September 1870*), and to Courts of Small Causes subject to the control of the High Court under Section 28 of Act IX of 1887 (*C. O. No. 22 of 18th July 1871*).

If he cannot furnish the information at once he will enter in duplicate, in the fourth column of the form, the date by which the information can be furnished. The upper and lower portions of the form, with columns 1, 2, 3, 4, and 5 thus filled up, will then be separated. The lower part will be made over to the applicant with a direction to return with it at the time fixed. The upper portion will be passed on to the amlah, to whose department it pertains, who will enter in the column for remarks the necessary information, and return it to the receiving officer before the time prescribed. On the applicant's re-appearance this upper portion, bearing the information, will be made over to him, and the lower portion, bearing his dated receipt in the column for remarks, will be taken from him and recorded in the office.

4.* When a copy of a judgment or decree or any other document is required, the party requiring the same shall deliver to the Officer designated by the Judge under Rule I an application signed by his Vakeel or by his authorized agent, or by himself, if acting in person, in Form B, which will be obtainable in loose sheets in the same way and at the same cost as Form A. Every such application shall be numbered consecutively as received, and it shall be the duty of the Officer to whom the requisition is delivered at once, if possible, or during the same day, or not later than the following day, to ascertain the amount of the fees payable for the copy asked for, and at the same time to inform the applicant thereof. When such information cannot be given at once, the Officer shall inform the applicant when he may expect to obtain it, and it shall be the duty of the applicant to attend at the time named. The amount shall always be noted on the back of the requisition, and the applicant shall be required to put his signature thereto as an acknowledgment of his having received the information. The body or main portion of the form shall then be passed on into the office with a memorandum stating the date and hour by which the copy is to be ready, and a corresponding note shall be invariably made on the counterfoil which is to be returned to the applicant.

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* This rule has been substituted for the original rule of the same No. by C. O. No. 22 of 28th May 1879.

5. Care will be taken to have the copy ready in each case by the time fixed, before which it will, with the body of Form B attached to it, be handed back to the Record-keeper or other Officer, who, on the original applicant's appearance with the counterfoil, will make over the copy to him, taking his receipt for the same in the last column of the form for remarks, in which the date of such receipt will also be noted. These forms will then be recorded in the office, filed in the order of their admission in a separate series for each month. At the close of each quarter they will be examined by the Sarrishtadar, who will bring to notice any irregularity or unpunctuality that may be apparent in the department. At the end of the year the Judge, after satisfying himself as to the working of the office by an inspection of the forms recorded during the year, may direct their destruction.

6. The Judge is to license as many copyists, to be selected as far as practicable from the apprentices in his office,—regard of course being had to their efficiency,—as may be required for the purpose of supplying all applicants with copies without inconvenient delay ; and no one but a licensed copyist is to be employed in the preparation of copies.

On each copy the amount of the fee received is to be noted as follows :—

Number of words
(English or Vernacular)
in the copy at
anna per 100 words is . . . . R o o o

Received Payment,
A. B.,
Licensed Copyist.

7. Copies of maps and plans cannot be supplied from the Judge's office, but application should be made to the offices where the original maps are deposited.

8. (*a*) The number of copyists licensed must not be greater than will admit, under ordinary circumstances, of each Vernacular copyist earning at least R12, and of each English copyist earning at least R20 per month. Each copyist is to keep a register showing his receipts, which he is to submit once a month to the Judge, who will thus be enabled to regulate the establishment of copyists and to reduce the number, if required, with reference to the provisions of the preceding rule. The Judge may, under pressure of work, depute to his Sarrishtadar the duty of examining these registers; but he is under no circumstance to omit doing so himself at least once a quarter, and a certificate of his inspection of these books is always to be inserted in the Annual Report.

(*b*) [*C. O. No. 7 of 21st July 1884.*]—The number of copyists in each office must be so reduced as to bring the earnings of each at least up to the prescribed minimum. No copyist shall be employed, or, if already employed, retained in employment, whose work is carelessly performed or whose handwriting is illegible or difficult to decipher. The copying departments should, where practicable at the head-quarters of a district, be amalgamated into a single separate department, of which the salaried examining clerk shall be the chief ministerial officer. All the copying work required by the several Civil Courts at headquarters should be done by the District Judge's Copying Department.*

9.† A fee of 4 annas shall be charged for searching

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* The last two sentences of clause (*b*) do not apply to Small Cause Courts. (*H. C. Progs., September 1884.*)

† Substituted by C. O. No. 7 of 21st July 1884.

* *Vide* Section 63 of Act I of 1872 (The Indian Evidence Act).

for all documents of which copies, whether certified* or uncertified, are required. This fee shall be levied by means of a Court-fee stamp to be affixed to all applications for information or copies except such copies as the law requires to be given free of cost. The stamp shall, in the case of applications for copies in Form B, be in addition to the one-anna stamp required under Article I (*a*), Schedule II of the Court Fees Act, VII of 1870, on such applications. In the case of applications for information the searching fee shall be the only fee required to be affixed to Form A. One searching fee only shall be charged for any number of copies taken from the same record and included in the same application. No searching fee shall be charged in respect of copies of papers which have not been deposited on the racks of the record-room.

10.* No fees are to be required or paid for searching or copying papers wanted by public Officers for public purposes.

11. The record-rooms are not open to the public generally, but public Officers of the district (including Sarrishtadars) and Pleaders may enter the record-room and examine the record of any case in the presence of the Record-keeper or one of his assistants. Pleaders before making such examination should pay the fee prescribed by Rule 9.

12. Loose sheets of forms A and B should be indented for on the Superintendent of Government Stationery. Either English or Vernacular forms may be thus indented for, as translations of forms A and B in Bengali and Hindi (Kaithi) and Urya have been sent by the Court to the Superintendent.

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* Substituted for the original clauses by Rule No. 20 of 16th October 1882.

A.

Form of Application for information.

Number and date.	Name and residence of applicant.	Nature of the information required.	Date on which the information is to be ready.	Signature of officer receiving the application.	REMARKS.

NOTE.—These forms may be procured from the Nazir of the Court at 1 pice per single form, or 100 for a rupee.

The person applying for information is to fill up columns 1 (except the No.), 2, and 3, and present it to the officer appointed to receive such applications, who, if the information required cannot be immediately supplied, will fill up, tear off, and return the bottom part of the form to the applicant.

B.

Form of Application for copies.

(*C. O. No. 4 of 2nd February 1885.*)

Petition for copy

Court-fee stamp of the value of 1 anna.

If the copy is wanted on the day of application, Court-fee stamp of the value of 1 rupee must be attached here.

Certified.
Uncertified

Application is made by me, the undersigned, for copy of in the case *versus* decided by the of on the

Dated *189* . (Signature of Applicant.)

Copyist's report—	*R* *a.*	
The copy applied for will amount to folios and will require stamped sheets, each of the value of 2 annas, total . .		These were filed by the applicant on the
Also Court-fee stamps (for certified copy) .		
Also extra Court-fee stamps for urgency .		
Also 4-anna Court-fee stamps for searching-fee		
TOTAL .		
(Signature of copyist)		
Dated 189 . *Dated*		(Signature of Court.)

Received from an application for copy of in the case of *versus* decided by the of on the

Dated *189* . (Signature of Court.)

NOTE.—This portion of the form must be filled up by the applicant. He will receive it back signed by the Court, and on his presenting it, either personally or by an agent whose name has been endorsed on the back, on the first open day after to-day, and on supplying with it the necessary stamped papers, he will (there being no objection) be granted a copy.

Sale-proceeds of these forms should be credited to "Petty Receipts" under Rule 5 (*f*) of the Account Rules.

Charges for Copies.

8.*—[*Charges for Copies—C. O. No. 2 of 24th January 1890.*]—(*a*) In all Civil Courts a uniform charge shall be made for the preparation of copies, whether certified or uncertified, at the rate of 3 annas per folio. This term, it is to be carefully explained to all subordinate officers, merely denominates a certain quantity of manuscript; the folio to consist of 150 words English, or of 300 words Vernacular, four figures counting as one word.

(*b*) This charge shall be levied by means of an impressed stamp of 3 annas† on each sheet of paper corresponding with the folio to be provided by the applicant for a copy. Each of these sheets shall contain a folio,—that is, 150 words English or 300 words Vernacular. As there are 25 lines in each sheet no line shall contain more than 6 words English or 12 words Vernacular.

(*c*) All copies, whether certified or uncertified, must, before issue, be examined by a salaried officer.‡ The copies themselves will, in all cases, be made by Section-writers, who will be remunerated at the rate of 2 annas per folio.

(*d*) Uncertified copies may be converted into certified copies upon the application of the person to whom they have been granted, and upon his filing with such application the necessary Court-fee stamps required by law.

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* These Instructions came into effect from the 1st April 1890.

† Till such stamps are available, the sheets now in use for copies, each bearing an impressed (non-judicial) stamp of 4 annas, will, after they have been overprinted with the words "3 annas" in English and in the Vernacular, be sold for 3 annas per sheet.

‡ The duty of examining copies should, as a rule, be entrusted to the Comparing or Examining Clerks, or if there are none in the office, to the Head Clerk or Sarrishtadar. The copyists must not be allowed to examine for each other.

Uncertified copies should only be marked as "examined" and initialled by the Examiner.

NOTE.—For rules for cancellation of Court-fee stamps on copies see pages 82-84.

(*e*) Certified copies must be "certified to be a true copy," must bear the seal of the Court, and must be signed in full, if not by the Presiding Officer, then by the officer hereinafter named, *viz.*,—

at the head-quarters of a District—
  in the case of copies of
    Judicial documents not being Wills,—by the Sarrishtadar;
  in the case of copies of
    other documents including copies of Wills,—by the Head Clerk.

in Courts of Small Causes constituted under Act IX of 1887—
  All certified copies,—by the Head Clerk;

in other Courts at out-stations—
  All certified copies,—by the Sarrishtadar.

n every case the certifying Officer will append to his signature the words "authorised under Section 76, Act I of 1872."

The words

Certified to be a true copy

authorised under Section 76, Act I of 1872.

may be impressed by means of stamp.

(*f*) One-third of the charge of 3 annas per folio, levied by means of the impressed stamp, represents the payment to Government, on account of the salary of Examiners, cost of paper, &c.; the remaining two-thirds will represent the earnings of the Section-writers, whose accounts will be made up monthly, and the amount due to each paid out of contingencies.* These payments must be checked at the time with the upper part of each stamp, which, when the copy is ready, must be torn off each sheet along the perforated line, and then endorsed with the copyist's name, and kept till the end of the month. Care must be taken to see that nothing in excess of two-thirds of the amount realized in stamps is paid away.

(*g*) To prevent the risk of stamped slips being used more than once, the officer passing a copyist's account will, after checking it as directed, tear the slips to pieces and cause them to be burnt in his presence. A certificate that this has been done must be attached to the contingent bill on which the copyist's fees are drawn.

(*h*) To protect the interest of the Government care must be taken to see that all copies issued from the Courts are prepared on the prescribed stamp paper; they must be written on one side of the sheet only, and must not contain more than the authorized number of words. On the other hand, care must be taken to see that applicants are not imposed upon by the copyists spreading their writing over a larger number of sheets than is necessary. By insisting on the number of lines in each sheet being uniform control may easily be exercised in this matter, the number of words in a few of the lines in each folio being checked. The business of a copyist is (like most other occupations) one calling for skill, and greatly dependent for its successful practice on experience; copyists, therefore, must possess or acquire skill in their business or they ought not to be retained.

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* The copyist is paid by the folio; he would get his pay according to the number of folios copied, whether the copies are subsequently taken out or not. (*H. C. No. 2168, Criminal, 1881*).

Copyists who fail to do their work satisfactorily must be removed.

(*i*) When an applicant requires his copies to be furnished on the day of application an extra fee of one rupee (or, if the copies exceed four folios, of 4 annas for each folio)* shall be charged on all copies so furnished, to be levied from him by a Court-fee stamp which should be affixed to the application for the copy and be entered in the Register for Court-fee stamps. Care, however, is to be taken that other applicants for copies do not materially suffer by the arrangement. If the granting of other copies be much delayed by this rule an extra hand ought to be told off to furnish the copies urgently required.

(*j*) Under ordinary circumstances the time for furnishing the copies required shall not be later than 1 P.M. of the fifth open day after the presentation of the application.

(*k*) When a copy of a decree, judgment, or order is granted, the following particulars must invariably be recorded on the back of the copy itself, and in the form† given below, for the information of the Appellate Court (Section 12, Act XV of 1877) :—

Date of application for the copy________________
Date of delivery of the requisite stamped sheets____________
Date on which the copy was ready for delivery____________
Date of making over the copy to applicant______________

(*l*) In the case of certified copies the Court-fee chargeable under the Court Fees Act should be levied by affixing the necessary stamp to the first folio of the copy.

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* This is a fee for credit to Government, and no part of it is payable to the copyists. Expedition fees should be entered in column 5 of Annual Statement 1, Part III.

† This form is printed on the reverse of the stamped sheets now in use for copies.

(*m*) In the case of maps and plans no general rule can be laid down. In each case a charge will have to be fixed with reference to the difficulty or intricacy of the work to be done. Half will be paid to the copyists and half credited to Government on account of examination fees and cost of materials.

Small Cause Courts.

9.—[*Applications for Copies how to be dealt with—C. O. No. 22 of 18th July 1871.*]—All Judges of Courts of Small Causes subject to the control of the High Court are to carry out in their Courts the provisions of Rules 1 to 8 of this Chapter as far as they may be applicable.

Copies of Letters, &c., of High Court.

10.—[*Applications for Copies of Letters and Resolutions of the High Court—C. O. No. 47 of 19th April 1844.*]—Whenever applications are made for copies of any letters from, or resolutions passed by the High Court the applicants should be referred to the Court.

CHAPTER V.

Account Rules*—(Judicial).

(For observance by Judicial, Magisterial, and all Civil Officers, not in direct account with the Accountant-General, in the receipt and payment of money.)

SECTION I.

GENERAL.

Application of the Rules 1-2
District Judge . . . 3
Judge in charge . . . 4
Heads of Account . . 5-6
General Principles . 7-17

Application of the Rules.

1. The following rules prescribe the procedure for the receipt and payment of money, and for keeping accounts to be observed by officers exercising judicial powers and dealing with money in that capacity. These rules do not apply to the High Court, or to the Presidency Small Cause Court; nor do they apply to the subordinates of the Magistrate of the District, because such of them as are stationed in the interior of the district exercise also Collectorate powers and keep their accounts under Treasury rules, and the transactions of those at head-quarters are included in those of the Magistrate. They apply to all Judges, Additional Judges, Subordinate Judges, Munsifs, Small Cause Court Judges, and Magistrates of Districts, and these all are included under the general term "Judge."

NOTE.—The Judge of the Small Cause Court at Sealdah has been exempted from these rules as there is no Treasury at Sealdah, and the Judge keeps a small cash chest, rendering accounts to the Accountant-General direct. (*Deputy Accountant-General's No. 183, dated 30th April 1881.*)

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* These rules were issued with C. O. No. 4 of 5th March 1881.

2. While the rules generally are applicable to all the officers just mentioned special procedure is laid down, where necessary, for Courts not situated at or near a Treasury or Sub-Treasury. Such Courts are in the Rules designated "Out-stations," which term must be held to include Courts at or near Sub-Treasuries during such time as the Sub-Treasuries may be temporarily closed owing to the absence of the Sub-Divisional Officer from his head-quarters.

The Rules apply to Judges of Small Cause Courts as if they were District Judges (*vide* Rule 3), and not as if subordinate to District Judges. (*Accountant-General's No. 279, dated 4th June 1881.*)

The "District Judge."

3. In these Rules the term "District Judge" signifies the officer whose accounts are rendered to the Accountant-General, either for his own Court only, or for his own and subordinate Courts. Any officer may be vested with the powers of a District Judge for the purposes of these Rules; and in any District in which a District Judge is not for the time being resident they shall be exercised by the principal Civil Judicial Officer at head-quarters.

Only one set of returns should be sent to the District Judge for the Courts whose accounts are kept together, and not a separate set for each Court. (*Accountant-General's No. 141A., dated 26th April 1881.*)

In Districts such as Chumparun, Durbhanga, Malda, Pooree, &c., where there is no District Judge, the principal Civil Judicial Officers at the head-quarters are the Officers invested with the powers of a District Judge for the purposes of accounts; and they will keep and render the accounts of all the Civil Courts in their respective Districts. It is not intended that a District Judge can delegate his powers as regards the accounts to any of his subordinates. What he can do, when absolutely necessary, is to place any of the officers subordinate to him in charge of accounts, without in any way relieving himself of the responsibility for the due accounting for all receipts and payments. When this is done, the Judge's establishment will do all the work in connection with the accounts, and the subordinate officer will sign the papers as if he were placed in charge of the current duties of the Judge's Court.

A Sarrishtadar of a Munsif's Court, placed in charge of accounts, cannot pass the Chalans. (*Accountant-General's No. 311A., dated 5th September 1881.*)

The "Judge in charge."

4. The term "Judge in charge" is used to designate the officer who, when two or more Courts at one station are combined for the purposes of these Rules, supervises the single set of accounts maintained for all the Courts so combined. When Courts are not so combined, each Judge is the "Judge in charge" of his own accounts.

Where two or more Civil Courts are at the same station, the English Clerk and Accountant sanctioned by General Order, dated 18th September 1880, will be attached to one only of the Courts, and *that* Court should keep the accounts of all the Courts at the Station. (*Accountant-General's instructions, of which copy came to High Court with his No. 101A., dated 26th April 1881.*)

In *that* Court also should be kept one (the only one) set of registers for all the Civil Courts at the same Station. Accordingly the accounts of all the Courts at the Sudder Station should be kept in the District Judge's Court, and those of the Courts at the same Sub-Division or out-station should be kept in the Court of the Senior Munsif at the Station. (*Accountant-General's No. 141A., dated 26th April 1881.*)

Heads of Account.

5. The following are the heads of account in the public accounts under which the money received and paid by Judicial Officers, or under their orders, is classified :—

(*a*) Civil or criminal deposits, including rent deposits.

NOTE.*—Any sum deposited in Court under Section 14 (1) of the Succession Certificate Act (VII of 1889) with an application for a certificate or for the extension of a certificate must be classed under this head of account.

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* Added by Rule No. 14, dated the 23rd September 1890.

(*b*) Fines (judicial); refunds of the same.

Except as provided in Rule 52 below, fines can be refunded only through the Treasury.

(*c*) Stamp duty and penalties realized in Court. Refunds of the value of Court-fee stamps.

While stamp duty and penalties may be realized in Court, it will be observed that they can, under Section 36 of the Stamp Act, be refunded only by the Collector. Court-fees realized in stamps may, under certain circumstances, be refunded by order of the Court; such orders, if the amount payable does not exceed R 5, may be cashed in Court, otherwise they are payable only at the Treasury.*

(*d*) Value of the unclaimed property of intestates and others credited to Government.

District Judges' Courts alone at present deal with the unclaimed property of intestates. The value thereof cannot be credited to Government until the time limited by law has expired (*vide* Rule 105, *post*). Refunds under this and the following heads can be made only through the Treasury.

(*e*) Miscellaneous receipts (not deposits), *i.e.*, forfeitures, forfeiture of earnest-money by defaulting bidders, sale-proceeds of old furniture, stores, &c., &c.

(*f*) Petty receipts to be credited at once to Government, *i.e.*, searching fees, copying fees, comparing fees, sale-proceeds of forms and of service books.

When receipts under this head are realized in stamps it is not necessary to enter them in the accounts as cash receipts.

(*g*) Peremptory receipts, *i.e.*, witnesses' expenses,

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* The Munsif or other Judge shall give to the person entitled to a refund of stamp value a certificate payable out of the cash in the hands of the Court and debitable in the Treasury Accounts to Stamp Revenue. [G. L. No. 12 of 11th June 1877.]

No general rule can be laid down respecting the refund of the value of Court fee stamps in cases where the fees have been paid into Court for the issue of processes and such processes have not issued. Each case must be left to the discretion of the Court and decided on its merits. Where the amount is large it may well be refunded—H. C. 1635 of 1882.

prisoners' diet-money, boat-hire, Amins' travelling allowance, fees payable to Commissioners for taking evidence, postage and other peremptory receipts.

Money received for payment of postage should be shown along with other peremptory receipts in the Cashier's peremptory Cash-book. (*Accountant-General's No. 101A., dated 26th April 1881.*)

6. From the list of headings in Rule 5 it will appear that the rules apply only to money received by an officer in his judicial capacity. They do not apply to Local Fund receipts and payments, nor to money received by way of permanent advance, or upon establishment or contingent bills (see Rule 36). As regards Local Funds there is a separate system of rules; and as regards other items a Judicial Officer should deal with them under the rules applicable to other officers.

General Principles.

7. All receipts and payments under heads (*a*) to (*e*) above must appear in the Court's accounts and in the Treasury accounts in detail. An account in detail of all receipts under head (*f*) must be kept in the Court, but only the daily totals of each kind of receipts will appear in the Treasury books. All receipts and payments under head (*g*) will be made on the responsibility of the Cashier, whose security must be sufficient to cover any amount in his hands. They will not appear at all in the Treasury accounts, but the balance in the hands of the Cashier must be noted daily in the Cash-book, as well as the balances of any other moneys which he may be entrusted with (*e.g.*, permanent advance, pay of establishment, &c.).

8. An exception to Rule 7 is allowed in cases where money has to be paid by one person to another, and both are present in Court. In such cases the money may be passed direct from the one to the other under the sanc-

tion of the Court, the fact being noted in the record of the case. Such transactions are not to appear in the accounts at all. Care must, however, be taken to see that no officer of the Court receives or becomes in any way responsible for the money, and that no receipt for it is given by the Court or any officer of Government. This procedure may conveniently be followed in cases where judgment-debtors are prepared to satisfy the claims of judgment-creditors, where costs of the day are allowed by the Court, where compensation is awarded to accused persons, or costs to complainants by the Criminal Courts.

9. Judges will, as far as possible, in their transactions with the public, avoid the direct receipt and payment of money under head (*a*) of Rule 5. Cash must, however, be received—

(*a*) when the Court is bound by law to accept payment either absolutely or up to a given time (*vide* Sections 306, 307, and 336, Act XIV of 1882), and in every such case the money shall be received even although tendered after the hour prescribed by Rule 15;

(*b*) when the proceeds of moveable property sold in execution (Section 297, Act XIV of 1882) are realized after the hour prescribed in Rule 15;

(*c*) at out-stations in the case of rent deposits under Section 46 of Act VIII (B. C.) of 1869, and Sections 61 and 62, Act VIII of 1885, and

(*d*)* any sum deposited under Section 14 (1) of the Succession Certificate Act (VII of 1889) must be received in cash, even though tendered after the hour prescribed by Rule 15.

10. At out-stations cash transactions under head (*a*)

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* Added by Rule No. 14, dated the 23rd September 1890.

of Rule 5 are allowed. Money should, however, be received in cash only when, having regard to the balance in hand (which should not exceed R500), this can conveniently be done. Payments of small sums should ordinarily be made out of cash in hand, but large payments should be made in cash, only if this can be done conveniently, and if it is better thus to disburse the balance of cash in hand than to remit it to the Treasury.

11. Judges of Small Cause Courts, and Munsifs exercising Small Cause Court powers, though their Courts are situated within daily reach of a Treasury, may, by special order of the High Court, be empowered to receive and pay in cash small sums coming under head (*a*) of Rule 5. The sums so paid shall not in any case exceed R100 in amount.

12. Money under heads (*b*), (*c*), (*d*), (*e*), (*f*), and (*g*) of Rule 5 may ordinarily be received in cash in all Courts. As explained in the notes to that Rule, repayments under heads (*b*), (*c*), (*d*), (*e*), and (*f*) should ordinarily only be made through the Treasury. Under head (*g*), payments will ordinarily be made in cash by the Cashier on his own responsibility.

13. Except in the case of Courts at out-stations the whole cash balance must be remitted to the Treasury, as provided by Rule 58 below, at the close of each day. At out-stations the entire cash balance must be so remitted on the last day of the month, and from time to time on such other days in the course of the month as may be convenient. Under no circumstances shall the balance of cash in hand be allowed to exceed R500.

14. If after a remittance, and before further cash has come in, payments in cash are necessary, they should be made from the permanent advance.

15. For the purposes of these Rules in all Courts the

"day" must be taken to close at 2 P.M., and the next "day" to extend from that hour to 2 P.M. of the following calendar day. Between 2 and 3 P.M. the accounts shall be made up, and no transactions shall take place in Court. If, under exceptional circumstances, any transactions have to be allowed after 3 P.M., they must be entered in the Court's accounts, bearing date the next open day.

On the last working day of each month, or when the Treasury closes at 1 P.M., it is necessary that the accounts be closed at noon, and in this case the next day shall extend from noon till 2 P.M. of the following calendar day.

16. The "month," for the purposes of these Rules, shall be taken to close, in Courts at District Head-quarters, at the end of the last account day of the month; in Courts at Sub-Treasuries, at 2 P.M. on the day on which the accounts of the Sub-Divisional Treasury are finally closed for the month; and at out-stations, at 2 P.M. of the last day, on which the accounts can reach the Treasury in time for incorporation with the Treasury accounts for the last day of the month.

17. For the purposes of these Rules the "year" in all Courts shall be taken to begin on the 1st April and to close on the 31st March.

SECTION II.

RECEIPT OF MONEY.

Heads (a) to (e)—
  Chalans required . 18-20
  Registry of Chalans . 21
  Approval by Judge in charge 22-24
Heads (f) and (g) . . 25-26
Receipt of Money by Cashier . . . . 27-32.
Peremptory Cash-book . 33
General Cash-book . 34
Accountant's Check 35
Daily Balance . . . 36

Heads (a) o (e) of Rule 5.

18. Payment of sums falling under heads (*a*) to (*e*) of Rule 5 cannot be accepted either in Court or at the

Treasury, unless the money be tendered with a Chalan in triplicate[1] signed by the chief ministerial officer of the Court under whose decree or order the money is tendered and also by the Accountant of the Court or group of Courts.

19. Any person desirous of paying money into Court, or, in the case of collections made by any officer of the Court, the officer who has realized the money, shall be furnished, free of cost, with three[1] forms of Chalan (Form No. 1), in each of which he must enter in the Vernacular or English the particulars required from him. One of the Chalans, herein called the original Chalan, shall bear the Court-fee stamp (if any) required by law.[2]

In the case of Deposit Chalans care must be taken to enter fully the nature of the deposit, the number of the suit or execution case (if any), the name of the person on whose behalf the money is paid in, and of the person to whom it is to be paid over, &c., &c.

[3] In the case of sums deposited under Section 14 (1) of the Succession Certificate Act (VII of 1889) the Deposit Chalans must show that the amount is deposited to the credit of the Judge.

20. The person desirous of paying in the money, having filled up the forms of Chalan, shall present them to the chief ministerial officer of the Court mentioned in Rule 18. The latter shall then ascertain that the amount tendered is correct and is due from the person on whose

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[1] Revised by Rule No. 13, dated 15th September 1890.

[2] No stamp is required for a tender of money which a party is bound to pay into Court in the progress of a suit, or to complete a purchase, as the Court cannot refuse the tender.

In cases where the payment is voluntary, such as deposits made on account of rent, or by a mortgagor and the like, a stamp should be required; but if the application or petition be duly stamped a second fee should not be exacted for the Chalan.—(*C. O. No. 10, dated 12th May 1877.*)

[3] Added by Rule No. 14, dated the 23rd September 1890.

account it is tendered to the person to whom it is stated to be payable, and, after correcting the forms of Chalan, if necessary, shall sign part I, and pass the forms on to the Accountant of the Court or set of Courts, who, having filled up part II, shall number and register them in a Register of Chalans (Form No. 2). In column 3 he shall enter the name of the person actually tendering the money, and of the person on whose behalf it is tendered. In column 4 he shall enter the name of the person (if any) to whom the money is payable, and all the other particulars stated in the Chalan and necessary for subsequently posting up the Register of Deposit Receipts.

When Courts are combined for the purposes of account (see Rule 4), there shall be only one Accountant and one Cashier for all the Courts so combined.

21. A separate index number shall be given to each Chalan. The numbers in a consecutive series shall be entered both in the Chalan and in the Register. The Accountant shall be careful to enter in the chalan the particular heading under Rule 5 to which the receipt belongs.

Approval by Judge in charge.

22. The Register and the Chalans shall then be laid before the Judge in charge, and he shall initial each entry as he passes the Chalans. The three* Chalans shall then be returned to the party tendering the money, and shall be his authority to pay the same into the Court, or into the Treasury.

A Judge in charge may, with the previous sanction of the District Judge, delegate to the chief ministerial officer of his Court the duty of passing Chalans.

23. No person is required to take out a Chalan till he

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* Revised by Rule No 13, dated 15th September 1890.

is actually ready to pay in the money for which he takes it, nor, after a person has taken a Chalan, can he be permitted to defer using it. The order to the Treasury Officer must therefore be limited in its operation to the day upon which the Chalan is made over to the applicant, or, if the transaction occurs after the accounts are closed (Rule 15), to the next open day. This is distinctly provided for in the form of order. In case of failure to tender the money at the Treasury within the time limited, the tenderer must obtain, by written application, an order from the Court extending the time.

When a Chalan is issued on the *Treasury* it may be acted upon till 3 P.M. of the day following that on which it is issued, if so ordered by the Court. But when the Chalan is for the receipt of money at the *Court*, it should be restricted in its operation to the day of issue (*vide Accountant-General's No. 452, dated 9th August 1882*).

24. In the case of out-stations, the order to the Treasury Officer shall grant for the payment in of the money such time only as is indispensable to enable it to be taken to the Treasury.

Heads (f) and (g) of Rule 5.

25. Petty receipts under head (*f*) of Rule 5 (searching, copying, or comparing fees, &c.), when payable in cash, shall be tendered in the first place to the Accountant, and noted by him in a special Register (Form 3). The Accountant shall enter the name of the tenderer, the amount to be paid, and the number and date in the foil and counterfoil of the Register, shall then detach the right-hand portion, and make it over to the tenderer for presentation with the money to the Cashier.

26. Peremptory receipts under head (*g*) of Rule 5 shall be tendered to the Cashier direct without the intervention of the Accountant. A Chalan is not required in respect of such.

Receipt of Money by Cashier.

27. The Cashier on receiving a Chalan in triplicate* addressed to him under Rule 20, or a payment slip issued by the Accountant under Rule 25, or a tender of money under Rule 26, shall accept the money, and at once enter the amount as a receipt in the appropriate Cash-book (Rules 33 and 34).

28. When Chalans have so been passed he shall keep one copy, and return the others with his receipts enfaced upon them. These receipts shall be produced in Court by the person paying the money, when it is necessary for him to have satisfaction entered upon the record of the case to which he is a party; or when it is necessary to have a sale confirmed or notices issued upon the landlord in cases of rent deposits, or upon the creditor in cases of debt due to a mortgage-creditor, and the like.*

In the same way, on presentation of the Chalan in triplicate* at the Treasury, as prescribed above in Rule 23, and on payment of the money, the payer shall receive, as an acknowledgment, two of the three Chalans signed—by the Treasury Officer, if the amount be R 500 or more—by the Accountant and Treasurer, if less than that sum.

29. In all cases, whether the money is paid into Court or into the Treasury, the person paying the money shall present to the Court in which the case is pending or decided one of the remaining two copies of the Chalan, and the copy so presented shall be filed with the record of the case. In the event of the person failing to present this copy the Judge in charge shall be justified in refusing to comply with the requisition of such person until the copy shall have been presented.*

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* Revised and added by Rule No. 13, dated 15th September 1890.

30. When, under Clauses (*a*) and (*b*) of Rule 9 above, a tender is made of money which must, by law, be received, the payment shall be made direct into Court in cash, but only under the express order of the presiding officer, who shall himself sign the Chalans and see that the money is duly entered in the accounts in the manner prescribed in Rule 15.

31. In the case of payment slips the Cashier shall countersign the slip, which the applicant is to retain as a voucher, and, when a copy has been applied for, his authority to take delivery of the same when ready.

32. When money is tendered under Rule 26, the Cashier shall enter the amount in the foil and counterfoil of a bound book (Form No. 4) of receipts numbered in serial order. He shall then tear off the counterfoil, sign it, and give it to the payer as his voucher.

Peremptory Cash-book.

33. To exhibit the peremptory receipts and payments (head (*g*) of Rule 5), for which the Cashier is responsible, and of which the Accountant keeps no record, the former officer shall maintain a Register in Form No. 5, in which each class of such receipts and payments shall be separately exhibited in appropriate columns, and a balance shall be struck at the close of each day.

This Register may be kept by the Nazir in Bengali, provided it is maintained in the prescribed form, and the Sarrishtadar of the Judge's Court is made responsible for a general control and supervision over the Accountant, as would seem to be the intention of Rule 3. (*Accountant-General's No. 139, dated 23rd May 1881.*)

General Cash-book.

34. The Cashier's General Cash-book shall be maintained in Form No. 6, and shall exhibit in detail all

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[1] The foils of the Book of Receipts should be retained for a period of three years only after which they may be destroyed,—G. L. No. 4 of the 17th May 1889.

receipts and repayments under heads (*a*) to (*f*). Receipts and payments under head (*g*) shall not be carried to the General Cash-book in gross, but the balances of the peremptory Cash-book shall be exhibited therein as directed below.

Accountant's check on Petty Receipts.

35. At the close of each day the Cashier shall submit to the Accountant his General Cash-book, and the Accountant shall check the entries of petty receipts with those on the counterfoil of his Register. The Accountant shall then prepare a Chalan in Form 1 for the whole amount received by the Cashier, distinguishing each kind of receipt separately, and shall enter it in the Register of Chalans (Form 2) as an amount received in Court. The amount in the Register of Chalans must tally with the Cashier's receipts under heads (*a*) to (*f*).

NOTE.—The "whole amount received by the Cashier" refers to the whole amount of petty receipts for which no Chalan is required to be prepared until the close of the day. After they are checked by the Accountant with the entries on the counterfoil of the Special Register in Form 3, they must be distinguished in the Chalan, one from the other, as "searching fees," "copying fees," "comparing fees," &c. [*vide* Rule 5 (*f*)], and entered in the Register of Chalans (Form 2) in the column headed "Amount received in Court." The total in this column must include the Cashier's receipts under all the heads (*a*) to (*f*) shown in his General Cash-book (*vide* Rule 34, *Accountant-General's No. 764, dated 29th November 1881*).

Daily Balance.

36. The Cashier shall then strike a balance in his General Cash-book, and enter below it in separate entries the balances struck in the Peremptory Cash-book. It is advisable, for purposes of record, that he should be required also to enter here a note of the money held by him upon any other account, such as for contingent expenditure, or for salaries of establishment. These form no substantive part of the judicial accounts, but the Judge ought to have in a single view a statement of all the money

in the Cashier's possession. This statement may be made as follows :—

Balance of General Cash-book, as above—	*R*	*a.*	*p.*
General balance . .	0	0	0
Peremptory balance .	0	0	0
Balance of Permanent Advance, as per Contingent Register	0	0	0
Establishment Pay undistributed . .	0	0	0
Other amounts (which should be explained) .	0	0	0
TOTAL MONEY IN CASHIER'S POSSESSION	0	0	0

Being restricted to transactions in actual cash, the General Abstract Cash Book is not to show receipts in the form of Court-fee labels, or refunds of the value of these, which, as explained above (Rule 5), are ordinarily payable only at the Treasury.

As regards postage stamps received by way of remittance, an account should be kept separately in the form of a plus and minus memo., and the balance in hand should be entered, as directed above, in the General Cash-book.

Postage stamps received by way of remittance should not be mixed up with cash receipts. In this account—separate account—the stamps should be added as they are received, and deducted when they are sold or otherwise disposed of, the balance in hand being struck daily for note in the General Cash-book. (*Accountant-General's No. 101A., dated 26th April 1881.*)

But if any refunds are made on account of value of these stamps out of the cash in the Court (and this is allowable if the amount does not exceed R5, *see Rule* 5,) they should be included in the cash book like other payments in cash. (*Accountant-General's No. 43 T. M., dated 28th April 1882.*)

SECTION III.

PAYMENT OF MONEY.

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Application for Payment.

37. Persons desiring to draw money deposited in Court and payable to them shall submit to the chief minis-

terial officer of the Court mentioned in Rule 18 an application in Form No. 7, or, in the case of a rent deposit, in Form No. 8. One copy of such form shall be supplied free of charge. In this form the applicant shall enter all particulars necessary for the identification of the credit. If it is intended to withdraw more than a single item of deposit by one application the amount of each item and the number of each deposit must be distinctly stated.

If the party entitled to the money does not appear in person the applicant must satisfy the Court that he is duly authorized by an instrument in writing to draw the money for the person so entitled.

The applicant must comply strictly with the terms of the order under which the money is claimed. Thus, one of a number of joint decree-holders cannot be allowed to take out what he calls his share in the decretal amount; they must all join in the application unless there has been an order for distribution.

This note is not intended to prohibit the payment of the entire amount of deposit to one of a number of joint decree-holders or to one of joint land holders, on the certificate of the Court, under whose orders the money was received, that the amount is payable to him for himself and for all the others whose names should be mentioned. What is intended to be barred is the payment of the amount in driblets to the several decree-holders separately, unless there has been an order for distribution. (*Accountant-General's No. 45 T. M., dated 28th April 1882.*)

See Note to next Rule (38).

* The final order for payment of deposits under Section 14 (*i*) of the Succession Certificate Act (VII of 1889) must contain a direction to the Treasury Officer to pay the amount in stamps to the Nazir of the Judge to whose credit it was deposited, and to transfer the amount of deposit to Stamp Revenue.

Where impounded cattle are sold, if application for the refund of the sale-proceeds be made within three months from the date of sale (*vide* Act I of 1871, Section 17), while the proceeds are held in deposit, the refund can be conveniently made in Form No. 7, the particulars in part I being filled up in the Court. But if the application be made after the proceeds have been transferred to credit of Government, the sanction of Government is required before the refund can be made, and the general form of receipt should be used for such refunds. (*Accountant-General's No. 705, dated 5th November 1881.*)

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* Added by Rule No. 14, dated the 23rd September 1890.

A duplicate of the application need not be filed with the record. All that is necessary is that, before passing on the application to the Accountant, the chief ministerial officer will note the order for the payment on the records of the case, so that a second claim for the amount may not be passed. (*Accountant-General's No. 93, dated 3rd July 1883.*)

Audit of Application.

38. The chief ministerial officer shall compare the application with the record of the case, and carefully test the validity of the claim. If he finds that the name of the payee has been correctly given, and that there is no objection to the payment of the money on the ground of attachment or otherwise, he shall make enquiry as to the identity of the applicant, and, if satisfied of such identity, shall sign the certificate at the foot of part I of the application, and pass on the application so signed to the Accountant of the Court or group of Courts. Such Accountant shall compare the contents of the application with the Register of Deposit Receipts, and shall satisfy himself that the amount as shown has been received and is still unpaid, and that the name of the claimant corresponds with the name of the payee entered in the Register, and that no order for the attachment of the money is in force.

If the deposit has been transferred to an Account Particulars (Rules 91, 92), such Account Particulars shall be deemed to be the Register of Deposit Receipts within the meaning of this and the next four rules.

In passing on the application to the Accountant, the chief ministerial officer will of course note the order on the records of the case so that a second claim for the amount may not be passed. Thus the records will be complete and no duplicate application will need to be filed with them. (*Accountant-General's No. 101, dated 26th April 1881.*)

39.[1] If the record of the case has been despatched to the record-room of the District Judge, under the orders of the High Court relating to the periodical despatch of

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[1] Inserted by Rule No. 2 of 16th January 1882.

*See Rule I, sub-rules 31-37, Chap. IV.

records by Subordinate Judicial Officers,* the application for payment may be made either to the District Judge or to the Court in which the deposit is held. In the latter event, the presiding officer shall forward the application to the District Judge, whose record-keeper will certify, under countersignature of that officer, that a specified sum of money is due to the applicant. Such certificate, on being received by the subordinate Court, shall then be treated as if it were a certificate granted by the chief ministerial officer of such Court, as provided in Rule 38. If the application be made to the District Judge direct, he shall, after satisfying himself that the sum claimed is in deposit in the manner stated and that the applicant is entitled to receive payment, order payment to be made from the District Treasury, and he shall also notify the same to the Lower Court, so that the proper entry may be made in the Deposit Register. Payment shall in every case be entered on the record itself under the signature of the District Judge.

NOTE.—The latter portion of this rule, from the words "If the application" to the end, is not applicable in the case of minor districts* in which there is no resident District Judge. In these districts it will be necessary to follow the procedure laid down in Rule 38, and call for the records of the case. (*Accountant-General's No. 1094 T.-M., dated 4th April 1882.*)

* Such as—

1. Balasore.
2. Bogra.
3. Chumparun.
4. Howrah.
5. Julpigoree.
6. Khoolna.
7. Maldah.
8. Monghyr.
9. Pooree.

40.[1] Whenever, after despatch of the record of a case to the District Record-room, any subordinate Court passes an order for the attachment of money in deposit in the case, intimation thereof shall be forthwith sent to the District Judge, together with a copy of the entries made in the Account Registers of the subordinate Court under Rule 72 of these Rules. The District Judge shall thereupon cause such information to be noted in the Order Sheet of the case as well as in the District Account Registers.

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[1] Inserted by Rule No. 3 of 27th April 1887.

41. If the application for payment is found to be incorrect or defective, the accountant shall note the error or defect, and return it to the applicant for correction by him, or for reference by the applicant to the Court.

Payment Order and Registry.

42. If the application is found to be correct, and the deposit has not lapsed, the accountant shall fill up the second part of the application form, post the transaction in the Register of Payment Orders (Form No. 13), numbered with its proper index number, and make the requisite entry in the Register of Deposit Receipts. Finally, the application, with the Register of Payment Orders, and the Register of Deposit Receipts, shall be laid before the Judge in charge.

Approval by Judge in charge.

43. Before passing the application for payment, the Judge in charge is required to satisfy himself, in the first instance, that the requirements of Rule 38 have been complied with. He shall further satisfy himself by personal inspection of his Register of Deposits that the balance at credit of the particular deposit is sufficient to meet the repayment, and that no order for the attachment of the money has been noted. If the result of his scrutiny is satisfactory, he may sign the order for payment of the amount either from the local Treasury or from his Court, as prescribed above in Rules 9 to 12, and shall attest with his initials the note of the order of repayment made in the Register of Deposit Receipts. He shall also initial the entries in the Register of Payment Orders

(Form No. 13). The payment order shall then be made over to the applicant for presentation to the cashier if the money is to be paid in Court, or to the Treasury Officer, if to be paid by such officer.

44. When the money sought to be drawn out of Court is in deposit, not in the Court to which the application is made, but in another Court, as for example, where two or more Courts at one station are combined for the purposes of accounts, in every such case the duty of the Court to which the application is made shall be merely to receive such application and forward it to the Court of the Judge in charge, with a certificate, made after examination of the record, that the applicant is the proper party to receive payment of the amount claimed. In any case in which the amount has been transferred from the credit of the original payee to that of the claimant, this fact should be stated. This certificate shall be compared with the Deposit Register in the office of the Judge in charge Such Register, if the sum is shown therein to be in deposit, will inform the Judge whether there is any bar to payment. If there is no such bar, the Payment Order may be issued by the Judge in charge, and the fact of its issue shall be communicated to the subordinate Court, in order to enable it to enter satisfaction for the amount upon the record of the case.

The subordinate Courts referred to in Rule 44 are those which do not keep their own accounts. Advices of the payment of deposits belonging to the Courts at a sub-division or out-station should be issued by the Court of the senior officer keeping the accounts. (*Accountant-General's No. 141A., dated 26th April 1881.*)

The certificate should be given on the Payment Order, that is to say, in the tripartite Form No. 7, at foot of Part I, in the place intended for it; and in recording the payments in the Register of Repayments, particulars may be entered as to the Court under whose orders the payments have been made. (*Accountant-General's No. 311T.-B., dated 5th September 1881, read with his No. 42T. M., dated 28th April 1882.*)

Lapse of Order.

45. (*a*) An order for payment from the local Treasury is valid for ten days only, and may not be cashed after the expiry of ten clear days subsequent to the date thereof. An order which has not been paid within ten days as aforesaid may be presented to the Court which issued it, and such court may re-enface thereupon a new Payment Order, which shall remain valid for ten clear days immediately after the date thereof. When the last day of any such period of ten days is a day on which the Treasury is closed, the order may be cashed on the day on which such Treasury re-opens.

NOTE.—An order for payment from the *local Treasury* may be cashed within 10 days from date of issue; but an order for payment of money at the Court should be restricted in its operation to the day of issue. And when money is to be immediately paid the order of payment should be issued on the Cashier of the Court (*vide Accountant-General's No. 452, dated 9th August 1882*).

(*b*)*. When such order as aforesaid is for a sum exceeding R100, it should be included in a "Daily Advice List," in Form No. 28 to be issued by the Court making the order to the local treasury where the cheque is to be paid.

(*c*) When the treasury accounts are closed on the 31st day of March in each year, every order for payment issued on or before that date shall lapse absolutely; and Treasury Officers are forbidden to cash after the 31st March orders issued on or before that date. An order which has lapsed under this clause cannot be renewed, but a new order may be obtained upon delivering up the old order and making a fresh application under Rule 37.

Judges should warn persons who apply for orders at the end of March of the effect of this rule, and tell them to wait till April

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* Added by Rule No. 3 of the 23rd February 1886.

1st, unless they mean to cash immediately any order that they may obtain.

(*d*) Immediately after the 31st day of March in each year the Judge in charge shall ascertain what payment orders issued on or before that date are still uncashed, and shall mark them off under his initial in the Registers (1) of Payment Orders, and (2) of Deposit Receipts, as "cancelled under Rule 45 (*b*)."

Lapsed Deposits.

46. When an application is made to draw money at credit under a deposit which has lapsed under Rule 98, but the payment of which is otherwise unobjectionable, the accountant shall prepare a special form of application (Form 9), which, when passed by the Judge in charge after the examination prescribed by Rule 43, shall be dealt with under Rule 101.

Miscellaneous Refunds.

47. When an application is made for the refund of a fine or a miscellaneous receipt (heads (*b*) to (*f*) of Rule 5), the Payment Order shall be prepared by the accountant in Form 10 after checking the application by a reference to the Fine Register or Miscellaneous Receipt Register (Rule 105); and the Judge in charge, at the time of passing the refund order, shall note the re-payment against the entry of the receipt in such Register. The payment order shall also be noted in the Register of Payment Orders (Form 13) and initialled by the Judge in charge.

In any exceptional case in which the " paper to which the Court-fee stamps are affixed " has been destroyed under the Rules for the Destruction of Records,* the Court authorizing the payment should satisfy itself that the amount claimed is due, and record the order for refund on the application, which may be filed. In cases of this nature it is objectionable to record a copy of the Refund Order in Form No. 12, for it is an order upon the Treasury, and there is risk of its being presented for payment. (*Accountant-General's No. 561, dated 31st August 1881.*)

* See Chapter IV, Rule I, Sub-rules 40-43.

48. Application for the refund of the value of Court-fee stamps is to be made to the chief ministerial officer, who shall compare the application with the record, and if he finds that a refund is due shall draft and sign an order on the back of the paper to which the Court-fee stamps are affixed. The papers must then be passed on to the accountant, who shall prepare a Payment Order in Form No. 11 or 12, as the case may require, and shall enter the particulars in the Register of Payment Orders. The application with the other papers and the Register shall then be laid before the Judicial Officer, who, if satisfied that the proceedings are in order, may sign the order of refund on the back of the stamped paper and the Payment Order, and initial the entry in the Register. The Payment Order shall then be made over to the applicant for presentation at the treasury, or, if the amount do not exceed Rs. 5, to the cashier of the Court.

Petty refunds of the value of Court-fees may be paid out of cash in the Court on vouchers in Form 12 and charged in the Cash-book.

The procedure here laid down is for the refund of Court-fee stamps when application for such refund is made to a Court which keeps its own accounts (see Rule 44). (*Accountant-General's No. 324, dated 16th June 1881.*)

Where there are two or more Civil Courts at one station the Judge in charge, *i.e.*, the officer in whose Court the combined accounts of all the Courts at the station are kept, should sign the Refund Order. (*Accountant-General's No. 155A., dated 30th April 1881.*)

The Payment Order should be registered in Form No. 13, and the Judge should initial that Register. (*Accountant-General's No. 327, dated 17th June 1881*, also note on Rule 65.)

49. In so far as concerns the accounts system, it is invariably necessary to trace each item of payment under the Court's orders back to its corresponding item of receipt; in other words, to connect each item of a Court's debit in the treasury with the corresponding item of credit, however far in time the two may be separated

from each other. Accordingly the Court must take care to furnish itself and the Treasury with the necessary particulars for this purpose.

Payments by Cashier.

50. In the case of Payment Orders directed to the cashier, the payment must be entered by the cashier in the General Cash-book, the Payment Order being retained by the cashier as his voucher.

The Cashier should cancel the vouchers, as soon as he pays them, by writing on the face "Paid" with his initials. A "Paid" stamp should not be used, as that indicates the subsequent discharge at the Treasury.

SECTION IV.

SETTLEMENT IN COURT.

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Simultaneous Receipt and Payment.

51. When payer and payee are both before the Court, the receipt and payment may be made, as provided in Rule 8 above, by the money being passed directly between the parties, a note of the transaction being entered on the record of the case. Such transactions are not to appear in the Court's accounts at all. Payment of compensation to plaintiffs must not be made under this rule; such transactions must pass through the books, as directed in the following rule:—

The procedure laid down in the above rule may be applied by a Criminal Court in cases of the award of compensation to the accused under Section 250 of the Criminal Procedure Code, or of the refund of fees by the accused to complainants under Section 31 of Act VII of 1870.

Payment of Compensation to Plaintiffs in presence of the Accused.

52. The application of the plaintiff in Form 10, and the Chalan for the fine paid in by the accused, shall be drawn up and passed through the books in the ordinary way, and the receipt and payment are to be made independently of each other.[1] The order on the Chalan shall, however, be signed by the Judicial Officer, and shall be an order to the Court Inspector to receive the amount; and the order on the application (Form 10) shall be an order also directed to that officer to pay, but must contain the words "after the amount has been realized from A.B."

53. In cases dealt with under the last rule one copy of the Chalan shall be returned to the payer, duly endorsed with the certificate of the Court Inspector's transfer of the money, and the payment order, duly receipted, shall be retained in the custody of the Court. The remaining copy of the Chalan with the Court Inspector's certificate endorsed thereon shall be filed with the record of the case.[2]

SECTION V.

ACCOUNT-KEEPING AND REMITTANCE TO TREASURY.

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Courts near Treasuries.

54. In courts situated within daily reach of a Treasury, the accountant shall, after the close of business each day,

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[1] The entry in the Register of Fines must be made at the time of the transaction, and not at the end of business.

[2] Revised by Rule No. 14, dated 23rd September 1890.

make the proper entries in the Treasury Pass Book (Form 14), showing in detail the sums received from and paid to the public in cash. The receipts shall be entered on the right-hand side, and are to consist of the sums entered in column 5 of the Register of Chalans (Form No. 2) headed " Amount received in Court." The payments shall be entered on the left-hand side, and are to consist of the sums shown in column 5 of the Register of Payment Orders (Form No. 13) headed " Amount paid in Court."

* The remittances to the Treasury at the close of each day, as well as the particulars of each payment to the public, must be entered in column 3 of the form of Pass-book No. 14. To facilitate the calculation of the amount to be remitted to the Treasury at the close of each day's business, two lines are provided in the form, one to show the total of receipts and payments at the Court, and the other, the total for the day according to the receipt and payment sides. The receipts and payments at the Court being first entered and added up, the difference between the total of receipts and that of payments will, if the receipts exceed the payments, be entered on the left side as remittance to the Treasury, or, if the payments exceed the receipts, on the right side as remittance from the Treasury. The total for the day will then be made up for both sides which will agree together. The number of the Chalan or Payment Order, on the back of which the amount to be remitted to, or received from, the Treasury is noted, may be shown against the entry made below the total of payments or receipts, but the head of account need not be noted in the Pass-book against the entries, nor need the entries be initialled by the Treasury Officer.

55. Every Chalan and Payment Order for money received or paid at Court under heads (*a*) to (*f*) shall be shown in detail in the Pass-book, and the head of account shall be noted against each, so as to enable the Treasury Officer to bring the transactions in detail upon his books, and classify them correctly.

It is necessary to show in the Pass-book the totals only of each Chalan and Payment Order. Each Chalan may contain any number of items, provided they belong to the same head of account.

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* (Inserted by Rule No. 8 of 28th July 1884.)

Examination by Judge in charge.

56. The Judge in charge shall examine the accounts by comparing (1) the Registers of Chalans and Payment Orders (amounts received and paid in court) with the cashier's General Cash-book; (2) the Treasury Pass-book, with both; and (3) the balances shown in the Peremptory Cash-book, with those shown in the General Abstract Cash-book.

Daily Remittance.

57.* The balances of the cashier's account in respect of Diet Money should be observed every day in passing the General Cash-book. To prevent excessive accumulations under this head the Judge in charge should transfer to deposits such portions of the balance as he may consider advisable. Amounts so transferred shall be treated in the same manner as money received in Court and entered in the cashier's General Cash-book both on the Credit and Debit sides. Should the money be subsequently required, it shall be withdrawn from deposits in the manner described above, and credited in the Peremptory Cash-book. If such sums remain in deposit for three years they must be carried to credit of Government under Rule 98, relating to Lapsed Deposits.

58. Having initialled the accounts of the day and signed the Cash-book, the Judge in charge shall send the Pass-book to the Treasury, together with the net amount in cash and all the Chalans and Payment Orders. This remittance must be entered in the Cash-book as a payment of the day upon which it is made.

It is important that this be done before the business of the new day commences, and the cashier should have in hand, after each such remittance, only the balance of the peremptory cash transactions and the other balances referred to in Rule 36.

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* Amended by Rule No. 15 of 5th November 1890.

The total of Chalans of the day for money received in cash by the Court, minus the total of Payment Orders cashed at the Court, will represent the balance of cash to be remitted to the Treasury. The amount so remitted will be noted on the back of the last Chalan entered in the Pass-book (Form No. 14), in order to avoid the separate Chalan which otherwise would be required by the Treasury Officer.

Courts not near Treasuries.

59. At out-stations the Cash-book shall be balanced as prescribed above, and the balances, both that of the receipts and payments under heads (*a*) to (*f*), and that of peremptory transactions, shall be carried forward to the next day's account. The accounts shall be balanced, compared, and signed every day in the manner prescribed in Rule 56, save that, instead of comparing the Treasury Pass-book with the accounts, the Judge in charge shall see that the Court balances are brought forward, and shall at least once a week ascertain that the money is actually in possession of the cashier.

Periodical Remittance.

60. On the last day of the month, and from time to time as provided by Rule 13, the Treasury Pass-book shall be made up, showing all receipts and payments at the Court since the last remittance to the Treasury. Its accuracy having been tested, it shall be forwarded to the Treasury with all Chalans and Payment Orders. If the receipts have exceeded the payments the cash excess shall be sent to the Treasury ; if the contrary, the cash deficit shall be received from the Treasury : in either case the cashier will have, after the completion of the transaction, in addition to the balance of peremptory cash transactions, only the Permanent Advance allowed to the Court for carrying on its payments at a distance from the Treasury.

Adjustment with Treasury.

61. The last day for remittance in each month must be so fixed that the final payment or receipt of money at the Treasury may just come within the month's accounts at the Treasury or Sub-treasury (see Rule 74), as otherwise the monthly accounts of the Judge in charge and those of the Treasury will not agree. Any transactions at the Court after this remittance is made, although shown under their proper dates, should be treated as if they belonged to the ensuing month's accounts, registers, and returns.

Rules regarding Remittances.

62. It is the duty of the Judge in charge to see that money remitted from his Court actually reaches the Treasury, and is acknowledged by the Treasury Officer in the Pass-book.

63. In making such remittances, the Police Rules as to sending an escort with the money must be duly observed.

64. During the absence on tour of Sub-divisional Officers, and the consequent closing of their Treasuries, Munsifs must be guided by the preceding rules applicable to officers at stations where there are no Treasuries, and must make remittances of surplus cash, if necessary, to the District Treasury. They will take advantage of the periodical return of Sub-divisional Officers to head-quarters to reduce the cash balances in their hands as much as possible, due regard being had to their probable requirements.

Treasury Advice List.

65. At the close of business each day the Treasury Officer, whether Sudder or Sub-divisional, shall prepare Advice Lists, in form No. 15, of all such Chalans and

Payment Orders of each Judge in charge as have been brought upon the Treasury accounts in the course of the day, and shall forward them to such Judges in charge respectively. In these lists shall be entered in detail such Chalans and Payment Orders as have been received or paid at the Treasury or Sub-treasury in cash while those brought into the Treasury account from the Pass-book (Rule 58) shall be included in a single total on each side, with the description "as per your Pass-book dated——."

After receipt of the Treasury Advice List, the Payment Order should be registered by the Judge in charge in Form No. 24. (*Accountant-General's No. 327, dated 17th June 1881.*)

If the District Magistrate's Court is close to the Treasury so that the Magistrate's registers referred to in Rule 67 can be sent daily to be compared and initialled by the Treasury Officer, this procedure may be adopted in lieu of the Daily Advice List, if found more convenient.

66. The list prepared at the Sudder Treasury for the District Judge shall include, besides the moneys received and paid on account of the Judge's own Court, those transactions also which belong to his subordinate Courts. These amounts, however, need not be entered in detail, but may be included in a single total of receipts and of payments for each Court, including Pass-book transactions brought into account.

Comparison by Judge.

67. On receipt of this Advice List the Judge in charge shall cause the particulars of the Chalans and Payment Orders shown in it to be compared with the details recorded in his Registers of Chalans and Payment Orders (Forms 2 and 13), and shall further cause the date of actual credit and payment, as certified by the Treasury Officer, to be entered in the column prescribed for that purpose.

68. These entries must be initialled by the Judge in

charge when he checks the posting in the Deposit Registers, as prescribed in Rule 71 below.

SECTION VI.

DEPOSIT REGISTERS.

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Separation of Petty Deposits.

69. Two Registers of Deposit Receipts shall be kept in Form No. 16, and two of Deposit Repayments in Form No. 17. One of these shall be termed the Register of A Deposits, and there shall be entered therein all deposits originally exceeding R5. The other shall be termed the Register of B Deposits, and there shall be entered therein all deposits not originally exceeding R5. Both Registers shall be kept in the same form and shall be posted in the same manner, but with separate series of numbers (see next rule), distinguished by the initial letters A and B, respectively.

Posting.*

70. As soon as the Treasury Advice List is received (Rule 65), the Deposit Register will be posted in the following manner for the date to which it refers. In the first place all cash transactions in Court on that date shall be posted, the receipts being copied from the Register of Chalans (column 5), and the payments from the Register of Payment Orders (column 5). Transactions at the Treasury shall then be written up from the Advice List, the entries in this list being compared with those in Registers 2 and 13.

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* The date of granting the payment order should be entered in the repayment columns in the Register of Deposit Receipts and the date of actual payment in column 4 of the Registers of Deposits, Repaid (G. L. No. 3 of 5th May 1883).

Registers of Receipts.

71. All items of deposit in these Registers must, as directed above, be numbered in an annual consecutive series of numbers commencing on 1st April, and ending with the last day of March in each official year. Only the first eight columns shall be filled in at first, the other columns being intended for the record of subsequent repayments.

Notes of Claims, &c.

72. As it is important that the Deposit Registers in the Accountant's department should set forth in respect of each item all information necessary in order to deal at once with applications to draw money, all attachment processes and transfer orders relating to decrees, and all orders as to the substitution of parties which affect decretal and other moneys in deposit shall be noted at the time in the Deposit Register. The Sarrishtadar or some other specified subordinate under his supervision shall be made responsible for this duty.

Whether the Sarrishtadar's responsibility is or is not to end with the communication to the Accountant or Accountant's mohurir is a matter left to the discretion of each Court, but some specific order should be recorded.

Registers of Repayments.

73. The Registers of Deposit Repayments (Form 17) shall be posted from the Treasury Advice List and the Payment Order Registers, as directed above.

Closing for the Month.

74. The Registers of Deposit Receipts and Deposit Repayments in Courts at a sudder station shall be totalled and closed on the last day of each month upon which the Sudder Treasury remains open, and in sub-divisional sta-

tions on the day on which the accounts of the Sub-divisional Treasury are finally closed for the month in such a way that the period and the transactions included in the Court's books and returns may correspond exactly with those included in the Treasury books and returns.

Care must be taken to make the final remittance to the Treasury in such time that it may be entered in the accounts of the Treasury for the month to which it belongs.

In each of the Registers of Deposit Receipts prescribed by Rule 69, a plus and minus memorandum must be drawn up at the end of the month's entries in the following form :—

	R
Balance of Deposits from last month .	
Received during the month, as per Register	
TOTAL .	
Repayment, as per Register . . .	
BALANCE OF DEPOSITS AT END OF MONTH .	

SECTION VII.

CONTROL OVER SUBORDINATE COURTS.

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Examination by District Judge . . . 85
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Responsibility.

75. Every Judge is responsible for all payments of deposits made on his certificate or under his orders. In

the case of receipts and payments of petty or B Deposits no detailed check is exercised over his proceedings, the accounts which he is required to render of these showing totals only. In the case of A deposits, however, all sums received, and not paid out during the month in which they have been received, and the balance of such of these deposits as have been partly paid out, must be reported to the District Judge, and must be included in that officer's accounts, and in his return to the Accountant-General.

If the District Judge, who is the Judge in charge for the Courts at the sudder station, thinks it absolutely necessary, he may delegate the duty of passing Chalans to the chief ministerial officer of his Court, and place a Subordinate Judge in charge of accounts, in the same way as a Deputy Collector is placed in charge of a Treasury; but on the distinct understanding that the District Judge will not be relieved of the responsibility for the due accounting of all money received and paid. All returns will be signed by District Judge. (*Accountant-General's No. 141A., dated 26th April 1881.*)

Daily Return of Subordinate Courts.

76. Every day after the Treasury Advice has been received, and the Deposit and other Registers have been written up and checked with it, two statements showing the transactions of the date to which it refers shall be prepared by the Judge in charge and forwarded to the District Judge. The first of these statements (Form No. 18) shall show the total amount of the entries in the Deposit Registers and the totals of all other transactions brought on the Registers (see Rules 111, 112). The second shall be an extract from Part I of the Register of Deposits Repaid (Form 17), giving the particulars of repayments on account of deposits received during previous months. At the foot of the first statement the Judge in charge shall certify that his Registers of B Deposits are written up to date and are in order.

It will be observed that these returns are intended to exhibit *actual* receipts and payments, and that they are therefore to be compiled from the Deposit Register, and not from the Registers of Chalans and Payment Orders.

The subordinate Courts referred to in Rules 75 and 76 are those which keep their own accounts and the accounts of other Courts as well (*vide* Rule 41. *Accountant-General's No. 141A., dated 26th April 1881.*)

The advices of the payments of deposits appertaining to the subordinate Courts at the sudder station should be issued from the District Judge's Court. (*Accountant-General's No. 141A., dated 26th April 1881.*)

This certificate is not required from Small Cause Court Judges, as they are not subordinate to District Judges in the matter of accounts. (*Accountant-General's No. 279, dated 4th June 1881.*)

77. At out-stations some delay in submitting the daily returns is unavoidable, but this delay should not exceed the time necessary for the Treasury Advice List to reach the Court. The date on which the returns are actually signed should be noted on them by the Judge in charge.

Verification by Judge in charge.

78. At the time of signing the returns, the Judge in charge should have before him the Registers of Chalans and Payment Orders, the Registers of Receipts and Payments of Deposits, and the Treasury Advice List; and after comparison he should attest the entries in column 8 of Registers 2 and 13 by placing his initials in column 9, and the entries in the Registers of Deposit Receipts and Payments by placing his initials in columns 7 and 13, respectively.

Examination by District Judge.

79. The statements furnished by the Subordinate Courts shall, when received in the District Judge's office, be compared with the corresponding Advice List supplied to him by the Treasury Officers, under Rule 66. In the case of out-stations, the totals for the whole month supplied by the Judge in charge must agree with the totals for the whole month supplied by the Treasury

Officer, if only attention have been paid to the rules regarding periodical remittances. In the course of the month the former totals will ordinarily exceed the latter, and the difference must be taken to represent cash transactions advised by the Court, but not yet brought on the Treasury books. In the case of Courts near Treasuries, no such discrepancies should occur if the rules are properly observed. When any such are noticed, immediate steps must be taken under the District Judge's orders to reconcile them.

Judge's Register of Totals.

80. After examination, the totals of Deposits received and paid shall be posted into a Register to be kept by the District Judge in Form No. 19. This Register contains two sets of columns, one set relating to A Deposits, and the other to B Deposits. Separate portions of the Register for the month must be allotted to each subordinate Court, that is, for each subordinate Court a number of pages, according to the probable work, must be assigned in the leaves devoted to that particular month. The entries in respect of each subordinate Court will thus come continuously and in order of date, and they must be totalled at the end of the month.

81. In the portion of the Register which relates to B Deposits, a column has been provided for a daily balance, which must be struck by adding together the preceding day's balance and receipts, and deducting the payments. The object of the daily balance is to afford the District Judge a ready means of controlling subordinate Courts in the receipt and payment of small Deposits, as any excess of payments over receipts will be at once detected.

Posting Repayments of A Deposits.

82. Taking up next the detailed Daily Register of Deposits Repaid (Form No. 17), the repayments must be

posted against the corresponding entries in the Judge's Daily Register of Deposits Received (Form No. 16), and must be initialled by the District Judge, or under his orders by the chief ministerial officer of his Court, in the same manner as repayments authorized by himself. They must also, at the same time, be copied into his Register of Deposit Repayments (Form No. 17).

As each payment is noted in the Judge's Register, the district number (Rule 86) against which the payment is charged must be noted in the subordinate Court's return.

In noting the repayments care should be taken to see that the amounts thus reported as repaid are actually repayable, and that amounts which should be credited to Government are not repaid to individuals.

Monthly Return.

83. (*a*) At the end of the month there shall be furnished by the subordinate Courts to the District Judge a statement of all A Deposits received, but not wholly repaid during the month. This statement will be an extract from the Register of Deposit Receipts (Form No. 16), omitting the items which have been wholly repaid during the same month. Of Deposits received and partially repaid in the same month the unpaid balance only is to be shown in this statement. The dates of despatch from the subordinate Court and of receipt by the District Court shall be noted on this statement.

Explanation.—An A Deposit, the balance of which has been reduced below Rs. 5 by a payment made in the same month, is to be included among the A, and not among the B Deposits.

(*b*) On the 31st March of each year the subordinate Courts shall, in addition, submit to the District Court a certificate that all uncashed orders to be cancelled under Rule 45 (*b*) have been marked off in their Registers.

Plus and Minus Memorandum.

84. There shall be appended to the monthly statement of Deposit receipts a plus and minus memorandum in the following form :—

		R
Balance of last month		
Amount of A Deposits received during the month.	Repaid during the month	
	Not repaid ditto	
Amount of B Deposits received during the month		
TOTAL		
Amount of A Deposits repaid during the month.	Received during the month	
	Received during previous month	
Amount of B Deposits repaid during the month		
BALANCE OF DEPOSITS OUTSTANDING		

CERTIFICATE.

Certified that on a comparison of Treasury Advices with postings therefrom in the Registers of Chalans, of Payment Orders, of Deposit Receipts, and of Repayments,* the amounts entered above as received and paid are correct.

The certificate is not required from Small Cause Court Judges, who are not subordinate to District Judges in matters of account. (*Accountant-General's No. 279, dated 4th June 1881.*)

Examination by District Judge.

85. On receipt of the monthly statement and the plus and minus memorandum, the Register (Form No. 19) shall be compared therewith. First, as regards A Deposits, the total of the column headed "Repaid on account of current month" should agree with the amount shown in the plus and minus memorandum; and when this amount is deducted from the total of the column headed "Total amount received," the balance ought to agree

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* Amended by *Accountant-General's No. 490, dated 2nd September 1882.*

exactly with the total of the Statement of outstanding A Deposits received from the Court to which the figures relate. Second, as regards B Deposits, the balance itself can be tested in detail only once a year, when the yearly statement under Rule 95 is received; but every month the difference between the opening and the closing balance should be equal to the difference between the receipts and payments reported in the plus and minus memorandum.

Posting Receipts of A Deposits.

86. * The subordinate Courts' monthly detailed statement of A deposits received shall be attached by the District Judge to his own Register of Deposits received, after he has closed the accounts of the Civil Courts at the sudder station. The District Judge will also number the deposits in the subordinate Courts' return in continuation of his own series.

The Judge should examine the receipts, so as to see that no item has been improperly held in deposit; and if he finds amounts so held which should be credited to Government he should direct the subordinate Court accordingly.

87. The District Judge's Registers of Deposits exceeding R5 received and repaid thus include each month not only those of his own Court, but also of all subordinate Courts, excepting only the sums received and repaid in such Courts during the same month.

SECTION VIII.

DISTRICT MONTHLY RETURNS.

Deposits received	*88*	*Plus and Minus Memo.*	*90*
Deposits repaid	*89*		

Returns of Deposits Received.

88. On the 12th of each month an Extract Register of Deposit Receipts exceeding R5 shall be prepared by

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* Substituted by Rule No 12 of 1st June 1885.

the District Judge in Form No. 20, and forwarded to the Treasury Officer for transmission, after a comparison with his cash accounts, to the Accountant General. This Extract Register will be a copy of the entries made during the month in his Register (Form No. 16), and will contain all such items of more than R5 each as were deposited in his own Court and in Courts subordinate to him, omitting all those which were wholly repaid during the month, and showing, in the case of those partially repaid during the month, the unpaid balance only. At the foot of this Register deposits received and repaid during the month, and deposits received for sums of R5 each and less, are to be shown in totals without details. This Extract Register should be despatched punctually on the 12th of the month, unless in the case of the larger districts a later date is fixed.

Returns of Deposits Repaid.

89. A monthly extract from his Register of Deposit Payments (Form No. 17) of sums above R5 shall be forwarded in the same form by the Judge to the Treasury Officer for transmission, after comparison with his lists of payments, to the Accountant General. The District Judge shall include in this extract (1) the details of repayments on account of deposits of previous months, whether made in his own Court or entered by him from the statements of subordinate Courts (Rule 81) ; (2) a single total of the repayments of the current month's deposits, whether made at the district or subordinate Court, which must agree with the total of receipts on the same account; (3) the total of the repayments on account of deposits of R5 and less.

Plus and Minus Memorandum.

90. A plus and minus memorandum in the form pre-

scribed in Rule 84, but including the figures of the subordinate Courts, as well as those of the District Judge's own Court, shall be appended to the Statement of Deposit Receipts.

This plus and minus memorandum is to show as repayments the actual repayments at the Treasury, and is further to show the Treasury balance outstanding.

It will be found convenient to keep in a separate register a copy of this plus and minus memorandum, with further memoranda of the details from which the figures have been arrived at. It is important that there should be no difficulty at any time in reconciling the figures of the Court with those of the Treasury.

SECTION IX.

ANNUAL ACCOUNT PARTICULARS.

Account Particulars . *91-92*
Subordinate Courts . *93*
District Judge . . . *94*
Verification of Petty Deposit Balance . *95-97*

Account Particulars.

91. At the end of each year the Registers of A deposits received in the next preceding year shall be closed by transcribing into the last column, headed "Transferred to Account Particulars," every balance which exceeds R5. An annual Account Particulars shall then be drawn up in Form No. 27 showing all these balances against their original numbers—showing, in other words, all the unpaid balances of A deposits of the preceding account year next but one. For example, the Account Particulars of April 1880 will show all unpaid balances of A deposits received in 1878-79.

Of balances which do not exceed R5 a separate list shall be made out under Rule 98 below.

The changes necessary to adapt Form No. 20 for use as an Account Particulars are as follow:—

Account Particulars of Deposits received by the of in 187 7 , still outstanding on 1st April 187 .

In column 6, for *amount* substitute *balance of each deposit.*

In column 7, for *in the year of receipt* substitute *in the second year after receipt*; for *in the following year* substitute *in the third year after receipt.*

In the last column, for *transferred to Account Particulars* substitute *lapsed and credited to Government.*

92. The items in this account having been carefully compared with the corresponding balances in the original Register of Deposits Received (Form No. 16), the last-named document shall be laid aside, and future repayments recorded only on the Account Particulars.

If against any of the items transferred to Account Particulars a repayment order has been issued and cancelled under Rule 45 (*b*), a note to that effect must be made in the Account Particulars, so that, if application for repayment is again made, an order may not be issued without recalling the original cancelled one.

Return by Subordinate Courts.

93. A copy of the Account Particulars shall be sent by the subordinate Courts to the District Judge, and by him carefully compared with the entries in his Register of Receipts. Any discrepancies found must be investigated and corrected.

Return by District Judge.

94. The Account Particulars of the District Judge necessarily includes the items in the several Account Particulars of the subordinate Courts, and a copy of it shall be sent to the Accountant General. The due date for its despatch shall be the 30th April, by which time the Judge should have received and compared the Account Particulars of his Subordinate Courts.

Verification of Petty Deposit Balance.

95. In order to verify the Balance of B Deposits each Court shall make a list of the unpaid balances of receipts of the past twelve months, and, by actual summation of these balances, find the total amount outstanding on account of the past year's deposits. Each Court is required to submit, along with the Account Particulars of A Deposits, a certificate that the balance of B Deposits of the past year has been found by actual summation to be R   .

96. The balance found under the last rule, together with the total of the list prepared under Rule 98 (2), must equal the total balance of petty deposits on March 31st, and must be so verified—

(1) by each Court with the forward balance in the plus and minus memorandum.

(2) by the District Judge with the balances of the subordinate Court brought forward in the Register No. 19.

97. The District Judge, having verified the balance certificates of the subordinate Courts, shall endorse each with the certificate "examined and found correct," and shall certify the fact of having done so upon the Lists of Lapsed Deposits sent to the Accountant General under the next rule.

SECTION X.

LAPSE OF DEPOSITS.

Lapse of Deposits . *98*
Lists *99*
Correction of Balance . *100*
Refunds . . . *101-102*

Lapse of Deposits.

98. On 31st March of each year the following unpaid balances of Deposits lapse to Government, and are to be

so written off in the Account Particulars and Registers of Receipts respectively :—

(1) of A Deposits, *first*, all balances of Deposits of the last account year but one which do not exceed Rs. 5, and are therefore not carried forward under Rule 91 into the Account Particulars; these balances should be marked "Lapsed" in the Register of Receipts: *secondly*, all balances of Deposits outstanding over three complete years,—that is, all balances in the Account Particulars prepared two years before; these are to be marked off in the last column of the Account Particulars;

(2) of B Deposits, the balances of all Deposits outstanding over one complete year,—that is, the balances which in the case of deposits over Rs. 5 are transferred to Account Particulars under Rule 91; these are to be marked off in the last column of the Registers of Receipts.

[*Example.*—The balances which lapse on 31st March 1880 are—

(*a*) all balances not exceeding Rs. 5 of A Deposits received in 1878-79.
(*b*) all balances of A Deposits received in 1876-77.
(*c*) all balances of B Deposits received in 1878-79.

Lists of Lapsed Deposits.

99. Three lists of the balances to be written off shall be prepared in Form 21, one for each of the three classes (*a*), (*b*), and (*c*), specified in the *Example* under Rule 98. These Lists shall be submitted along with the Account Particulars. Those of the subordinate Courts must be compared by the District Judge with his own Registers, and discrepancies, if found, must be reconciled. Those of the District Judge must include, under the District Judge's numbers, the lapsed balances of A Deposits of the subordinate Courts.

As regards B Deposits the Lists received from the subordinate Courts must be copied into the District Judge's List, with a separate total for each Court, the originals being filed for future reference.

The note under Rule 92 applies to these Lists of Lapsed Deposits also.

Correction of Balance.

100. These Lists must be submitted during all April, and the totals thereof must be deducted by a separate entry from the plus and minus memorandum drawn up at the end of April, so that the plus and minus memorandum may show only the balance actually outstanding upon the Registers of the Court concerned.

Refund of Lapsed Deposits.

101. When payment of a Deposit lapsed under Rule 98 is required by a person entitled thereto application shall be made through the District Judge, who shall examine the claim, and, if he find it correct, shall forward an application in Form No. 9 to the Accountant General. Several Deposit numbers may be included in a single application, if they are payable to the same person. The Accountant General's letter of authority, when received, shall be noted against the items in the Account Particulars (or original Register in the case of a B Deposit), so as to prevent a second application. This letter shall then be passed for payment at the Treasury, as prescribed in the form. No other record of these Refunds is necessary; and such payments are not to be shown in the plus and minus memorandum.

102. If the letter of authority received from the Accountant General is not claimed by the payee within twelve months from the date thereof, it shall be returned to that officer.

SECTION XI.

MISCELLANEOUS RECEIPTS.

Fines *103-104*
Registers . . . *105*
Credits to Government . . . *106*
Rules regarding Receipts *107-110*
Control *111*
Monthly Return . *112*

Fines.

103. The procedure for Magistrate's Courts in respect of the realization of fines is prescribed by the orders of the Bengal Government published in March 1867 and May 1876, and produced in Appendix C annexed to these rules. The rules of the Account Code, which prescribe a monthly statement to be sent by Subordinate Magistrates to the District Magistrate and by the District Magistrate to the Accountant General, are also reproduced in the same Appendix.

The monthly statement should continue to be sent in the form now in use. (*Accountant-General's No. 122A., dated 22nd April 1881.*)

104. When a fine is paid into a Civil Court the receipt shall be dealt with under the next following rule.

Registers.

105. Every Judge in charge shall maintain (1) a Register of Judicial Fines in Form 22; (2) a Register of Stamp Duty and Penalties in Form 23; (3) a Register of the Refund of the value of Court-fee Stamps in Form 24; and (4) a Register of Miscellaneous Receipts in Form 25. In the 1st, 2nd, and 4th of these Registers all receipts are to be posted which do not come under head (*a*) (Deposits) or head (*b*) (Peremptory Receipts) of Rule 5. The entries shall be made and checked in the same way as the entries in the Register of Deposit Receipts of the Subor-

dinate Courts. The amount of petty receipts under head (*f*) are to be shown only in a single total for each day.

It is not necessary to maintain in Magistrates' Courts the Fine Register here prescribed, as another Register is prescribed by Rule 103.

Credits to Government.

106. It is the duty of every Judge to see that sums which are in deposit, but which under any rule or law are forfeited, or become the property of Government (*e.g.*, earnest-money forfeited, or intestate property unclaimed), are duly credited to Government. In every such case there shall be prepared simultaneously (1) a Payment Order addressed to the Cashier and directing payment of the deposit "by transfer as per Chalan No.   of this date," and (2) a Chalan crediting it to the proper head. Such Payment Order and Chalan shall be registered and dealt with in every way as if cash were paid out of and received into Court.

Rules for Miscellaneous Receipts.

107. With regard to stamp penalties attention should be given to Sections 35, 42, and the other sections in Chapter IV of the Indian Stamp Act (I of 1879). The penalty and the duty must always be separately credited. Form 10 shall be used for Certificates for Refund.

108. With regard to unclaimed property of intestates or others, it will be seen from the form that Register No. 25 deals only with receipts under this head which have remained in deposit for the prescribed period. A Register showing the property in detail must be kept in Civil Courts in Form No. 26, and in Criminal Courts in the form prescribed in the Rules for Court Inspectors.

NOTE.—[*Directions for dealing with the property of* INTESTATES—*C. O. No. 11 of 6th March 1878.*]—(*a*) Any cash belonging to an intestate's estate which may be received in Court, from whatever source derived, must be paid into the Treasury at once, and no such cash must be allowed to remain in the hands of the Nazir.

(*b*) On the receipt of unclaimed property of persons dying intestate, the Nazir must make the requisite entries in the Register in Form No. 26 of the Account Rules, and these entries must be compared with the Police Chalan by the Sarrishtadar and the Accountant. If cash forms part of the property, or if part of the property, being perishable, is sold before the expiry of the year prescribed by law, such cash or sale-proceeds must, after entry in the Register just mentioned, be put in deposit till the time arrives for paying them over to claimants or crediting them to Government.

(*c*) When any property in the custody of the Court is sold, the sale account must invariably be checked with the Register by the Sarrishtadar and the Accountant, and the Judge must from time to time test the work of his subordinates by personally examining the sale accounts in some cases taken at random.

[*Expense of Conveying Intestate Property to the Sudder Station—C. O. No. 128 of 16th May 1851.*]—The Judge should pay the expense of conveying intestate property to the sudder station from his Permanent Advance and charge the same in his Contingent Bill, subject to reimbursement from the eventual proceeds of the sale of the property, or, in cases where a claim to heirship is established, either by payment by the heir before the property is delivered to him, or by the sale of such portion of the property as may cover the expense.

109. Under head (*e*) (Miscellaneous) of Rule 5 shall be comprised all receipts not falling within any of the other principal heads of receipt, *e.g.*, forfeiture of earnest-money, &c., sale-proceeds of old stores or furniture, &c.

110. Receipts under the head of account mentioned in Rule 109 are at once credited at the Treasury to Government. They are not to be retained intermediately in deposit either at the Court or at the Treasury.

Control of Subordinate Courts.

111. The miscellaneous receipts of Subordinate Courts are included in the Daily Statement sent to the District Judge under Rule 76 and are also included in the Daily Advice from the Treasury received by the District Judge under Rule 66. The Judge must effect a comparison between these two, and see that in each month the total amount advised as paid into the Treasury agrees with the total amount realized by the Subordinate Courts.

Monthly Returns.

112. At the close of the month every Judge in charge shall prepare Lists in Forms 22, 23, and 25 of all the miscellaneous receipts, &c., paid by him into the Treasury. Subordinate Courts shall forward their Lists in duplicate to the District Judge, and the District Judge shall add the totals of these Lists at the foot of his own List, and, appending one of the copies received by him from each Subordinate Court, shall forward the whole to the Accountant General for check against the Treasury accounts.

So far as regards fines in Magistrates' Courts this is done under a separate set of rules.

SECTION XII.

MISCELLANEOUS RULES.

Accountant and Cashier . *113*
Language *114*
Forms *115*
Daily Accounts . . . *116*

Accountant and Cashier.

113. In carrying out these rules care must be taken by all Judicial Officers that in respect of cash transactions in Court distinct officers are employed as Accountant and

Cashier. In other words, the same officer shall not keep the Registers of Chalans and Payment Orders, Deposit Registers, &c., and also receive and pay the money.

Language of Record.

114. Judges who are acquainted with English, and have a clerk acquainted with English, should keep their accounts in English. Those who cannot do so must keep their books and submit their accounts in the Vernacular. In either case it must be distinctly recorded by each Judicial Officer whether the Sarrishtadar is or is not responsible for a general control and supervision over the Accountant.

Forms.

115. The whole of the necessary forms and account books are to be obtained through the Superintendent of Stationery, and each Court is responsible for maintaining a proper printed stock of all the forms herein prescribed and for submitting timely indents according to the rules in force from time to time. The forms intended for non-English offices shall be printed in biglot form, with English and Bengali, or English and Hindi headings. Manuscript forms are prohibited.

Daily Examination of Accounts.

116. The Accounts and Registers, of which a list is given in Appendix A, must be compared daily by the Judge in charge; and this rule is on no account to be neglected, as its observance is essential to the integrity of the transactions and the correctness of the books. The notes at foot of the forms indicate how the verification is to be made.

Form No. I.

CHALAN.

Part I.—To be filled in at Court by the Payer.

Name of person or persons on whose behalf the money is tendered.	Name of person or persons to whose credit the amount is to be placed in the Court's book.	No. of suit or date of judicial decree or order (if any) under which the amount is tendered.	Particulars of receipt.	Amount tendered.	(Remarks if any.)
1	2	3	4	5	6

Signature of Chief Ministerial Officer.

Signature of person tendering the money.

Part II.—To be filled in by the Court or under its orders.

Registered number. *	Registered date. *	Account to be credited, whether civil suit deposits, fines or forfeitures, stamp duty and penalties, or miscellaneous or petty receipts.	REMARKS.
1	2	3	4

* As per Court's Chalan Register (Form No. 2).

Signature of Accountant.

To

Receive and credit the above sum if tendered to you before 3 P.M. to-$\frac{\text{day}}{\text{morrow}}$.

Signature of Judge in charge.

Dated

Aart III.—To be filled in at Court by Cashier, or at Treasury by Treasury Officer.

Received notes*			
Received Silver and Copper . .			
RECEIVED, TOTAL R .			

Cashier of Court or of the Treasury.

Accountant of the Treasury.

† Examined and entered in the books of the Treasury on the .

(†) *Signature of Treasury Officer.*

N.B.—This form is furnished in triplicate free of cost.

* Enter here Nos. of the notes.

† To be filled in only when presented at Treasury.

Form No. 2.

Register of Chalans for money tendered in the Court of in the month of 189 .

Date.	Consecutive number of items in Chalans.	From whom received.	Nature of receipt, with name of payee (if any). Particulars.	Amount Received in		Initials of Judge in charge.	Date of credit in the Collector's account.	Initials of Judge in charge.	Remarks.*
				Court.*	Treasury.*				
1	2	3	4	5	6	7	8	9	10

After receipt of the Treasury Advice for the last day of the month, the monthly totals of this Register shall be compared with the monthly totals of the several separate Registers of Receipts kept by the Accountant. The difference, if any, will be due to Chalans issued, but not presented in time to the Treasury, and the amount of such must be written off.

* This column should be totalled and compared with the figures in the debtor side of the General Cash-book.

Form No. 3.

Register of Chalans for Petty Payments made into the Court of the at to the credit of Government.

Date.	No.		*R*	*a.*	*p.*	Date.	No.		*R*	*a.*	*p.*
						Date.	No.		*R*	*a.*	*p.*
						Date.	No.		*R*	*a.*	*p.*
						Date.	No.		*R*	*a.*	*p.*

Form No. 4.

Cashier's Receipt for Peremptory Cash Receipts.

No.

Date

*Name of Payer*________

*On what account*______

*Amount*____________

*No.*__________

*Dated*____________________

*Received from*____

the sum of

Ɍ

(Signed)

Cashier of the Court of the

at

Form No. 5.

16.—Peremptory Cash Book of the Court of for the day of the month of 189 .*

DR. (To be maintained by the Judge in Charge of Accounts, and to be preserved for 12 years.) CR.

Serial No. of Deposit.	From whom received.	Particulars.	ON ACCOUNT OF						TOTAL.	Date of repayment.	To whom paid.	Particulars.	Serial No. of Deposit.	ON ACCOUNT OF						TOTAL.	Nature of payee.
			Witnesses' expenses.	Prisoners' diet.	Amins' travelling allowance.									Witnesses' expenses.	Prisoners' diet.	Amins' travelling allowance.					

---

* Form revised by Rule No. 10, dated the 11th October 1889.

Form No. 6.

DR. *General Cash Book.*[*] CR.

Number of		From whom received.	On what account.	Amount Received.		Number of Payment Order.	To whom paid.	Amount paid.
Chalan.	Payment slip.			Petty receipts.	Other receipts.			

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[*] Form revised by Rule No. 10, dated the 11th October 1889.

Form No. 7.

PAYMENT ORDER.

Part I.—Application for payment of Judicial Deposits (to be filled in by the Applicant).

Name of Applicant, &c.	Date and purport of the Court's decree or order.	Names of the parties in the case and number of the suit.	Date of deposit.	Amount to be paid.	REMARKS.
1	2	3	4	5	6

Date *Signature of Applicant.*

Examined and found correct.*

Signature of Chief Ministerial Officer. *Signature of Presiding Officer.*

Part II.—To be filled in by the Court or under its orders.

Serial number and date of payment order.†		Court's Chalan No. and Chalan date of the original deposit from which the payment is sought.		Court's No. and date of the original deposit.‡		Amount in deposit.‡	At whose credit in deposit.‡
1	2	3	4	5	6	7	8

To the *Officer in charge of the Treasury at*
Cashier of the *Court*

Please pay as above to or order Rupees§

Signature of Court's Accountant. *Signature of Judge in charge.*

This order is not payable more than ten days after date without a renewal enfacement by the Court, and it absolutely lapses and ceases to have effect on the 31st March next.

Payee is hereby to take notice that after tender and payment of this order the Treasury Officer will admit no further responsibility. It is the duty of the payee to see to the proper custody of this document until it is cashed.

NOTE.*—The signature below the words "examined and found correct" in Part I, Forms 7 and 8 of the Rules Account for Judicial Officers, must of course be held to indicate that the officer signing the certificate has satisfied himself "that the applicant is the proper party to receive payment of the amount claimed," and that the particulars stated are correct; while the Judge in charge will be responsible that the amount claimed is in deposit, that there is no bar to payment, and that the name of the claimant corresponds with that of the payee entered in his Register. (*Accountant General's No. 45T.M., dated 28th April 1882.*)

† Amended by *Accountant General's No. D447 of 10th February 1885.*

‡ As per Court's Register of Deposits Received (Form No. 16).

§ Words and figures.

Part III.—To be filled in at Treasury (or at Court if payable there).

Received contents, Rupees

Stamp of one anna if for more than R20.

Signature of Disbursing Cashier.

The *18* . *Payee's signature.*

Examined and entered.

Accountant.

Form No. 8.

PAYMENT ORDER.

Part I.—Application for Payment of Rent Deposit (to be filled in by the Applicant).

Name of Applicant.	Date of deposit.*	Amount to be paid.
1	2	3

Date *Signature of Applicant.*

Examined and found correct.

Signature of Chief Ministerial Officer. *Signature of Presiding Officer.*

See Note to Form 7, Part 1.

* Corrected by C. O. No. 11 of 19th May 1881.

Part II.—To be filled in by the Court or under its orders.

Serial number of application and date of filing.		Court's Chalan No. and Chalan date of the original deposit from which the payment is sought.		Court's No. and date of the original deposit.*		Amount in deposit.*	At whose credit in deposit.*	
1	2	3	4	5	6	7	8	

To the *Officer in charge of the Treasury at* / *Cashier of the Court*

Please pay as above to or order Rupees†

Signature of Court's Accountant. *Signature of Judge in charge.*

This order is not payable more than ten days after date without a renewal enfacement by the Court, and it absolutely lapses and ceases to have effect on the 31st March next.

Payee is hereby to take notice that after tender and payment of this order the Treasury Officer will admit no further responsibility. It is the duty of the payee to see to the proper custody of this document until it is cashed.

* As per Court's Register of Deposits Received (Form No. 16).‡

† Words and figures.

‡ Corrected by Rule No. 6 of 13th May 1881.

Part III.—To be filled in at Treasury (or at Court if payable there).

Received contents, Rupees

Stamp of one anna if for more than ₨20.

Payee's signature.

Signature of Disbursing Cashier.

The *18* .

Examined and entered.

Accountant.

Form No. 9.

No.

FROM
THE OF

TO
THE ACCOUNTANT GENERAL OF

Dated the 18 .

SIR,

I have the honour to report that claims have been preferred to the deposits of more than three years' standing, as detailed in the margin, aggregating Rupees

2. I have satisfied myself of the validity of the claims, and, with reference to the orders of the Government of India of the 31st March 1865, request your authority for the payment.

I have the honour to be,
SIR,
Your most obedient Servant,

Judge.

Form No. 10.

DISTRICT OF.	REFUND OF FINES OR MISCELLANEOUS RECEIPTS.				VOUCHER No. OF LIST OF PAYMENTS FOR 18 .
HEAD OF SERVICE CHARGEABLE.	3.—REFUNDS AND DRAWBACKS. MISCELLANEOUS REFUNDS. LAW AND JUSTICE. FEES, FINES, &c.				
NAME OF PAYER.	Amount realised.	Date on which remitted to treasury.	NAME OF PAYEE.	Amount to be refunded.	AUTHORITY FOR REFUND.
1	2	3	4	5	6
					As per annexed attested copy of order of Court. (*Note.*—Copy of the *order* is required; not of the reason for it.)
			TOTAL RUPEES .		

The 18 .

Passed for payment. This order of refund has been registered, and no previous order for refund of the same sum has been issued.

Claimant's

Pay Rupees Net

The 18 .

Stamp, if required.

Magistrate or other Officer.

Examined—

Accountant.

Signature.

Officer in charge of Treasury.

N.B.—This order is not payable more than ten days after date without a renewal enfacement by the Court, and it absolutely lapses and ceases to have effect on the 31st March next.

Form No. 11.

No.

DISTRICT OF .	CERTIFICATE FOR THE REFUND OF THE STAMP FEES LEVIED ON THE PETITION SPECIFIED BELOW.				VOUCHER NO. OF LIST OF FOR 18 .
HEAD OF SERVICE CHARGEABLE.	3.—ALLOWANCES, REFUNDS, AND DRAWBACKS. REVENUE REFUNDS. STAMP DUTY { RAZEENAMAH. RE-TRIAL.				
1	2	3	4	5	6
No. of suit or petition, and names of the parties.	Value of stamp and description of paper.	Amount of claim in suit.	Names of the parties receiving refunds.	Amount to be refunded.	Under what Act, Section, and Clause the amount is refunded.

Certified that

or his order is entitled, under the Order of this Court, dated

the 18 , to the above

refund of R

The *18* .

To the Collector of

Pay Rupees Net

The *18* .

Claimant's

Signature.

Examined— *Accountant.* *Officer in charge of Treasury.* *Judge.*

Form No. 12.

Order of the refund of the value of Court-fee Stamps paid on account of

TO THE COLLECTOR OF

Pay to____
the sum of Rupees _____________________________, being the value of Court-fee stamps paid by him on account of ____the refund of which has been ordered in consequence of____ as authorized by Circular Order of the High Court, No. 13, dated the 12th May 1874. This order of refund has been registered, and no previous order for refund of the same amount has been issued.

Signature of Judge in charge.

Dated the of 18 .

Form No. 13.

Register of Payment Orders issued by the of in the month of 18

Date.	Consecutive number of payment orders.	To whom paid.	Nature of re-payment and number of item in the Register of Receipts against which it is to be taken.	AMOUNT CASHED IN		Initials of Judge in charge.	Date of payment by Collector.	Initials of Judge in charge.	REMARKS.
				Court*.	Treasury*				
1	2	3	4	5	6	7	8	9	10

---

* This column should be daily totalled and compared with the figures on the creditor side of the General Cash-book.

After the receipt of the Treasury Advice for the last day of the month, the monthly totals of this Register should be compared with the monthly totals of the Registers of Repayments of Deposits, and of any refunds of fines or miscellaneous receipts granted. The difference, if any, will be due to orders granted but not cashed, and the amount of those which have lapsed should be written off.

Form No. 14.

PASS BOOK.

The Court of *in account current with the Treasury*

DR. (Payments and remittances from Courts.) CR.

Date of payment.	Courts' No. of payment order.	Court's particulars of each payment to public or of remittance at the day's close to the Treasury.	Head of account under which to be scheduled at Treasury.	Amount.	Signature or initials of Treasury Officer.	Date of receipt.	Court's No. of entry in Chalan	Court's particulars of receipt.	Head of account under which to be scheduled at Treasury.	Amount.	Signature or initials of Treasury Officer.
1	2	3	4	5	6	7	8	9	10	11	12
		TOTAL .						TOTAL .			
		TOTAL FOR THE DAY AS PER RECEIPT SIDE . . .						TOTAL FOR THE DAY AS PER PAYMENT SIDE . . .			

Form No. 15.

*"Date of last prior transaction The of 18 ."

Daily Advice List of Receipts and Payments at the Treasury at on the requisition of the of on the day of 18 .

Court's No. of Chalan.	Court's date of Chalan.	DETAILED HEADS OF RECEIPTS.						Total receipts.	Court's No. of the Payment Order.	Court's date of Payment Order.	DETAILED HEADS OF PAYMENTS.				Miscellaneous refunds.	Total Payments.
		Civil or Criminal Court deposits.									Repayments of Civil or Criminal Court deposits.	Refund of Stamp Penalties.	Refund of unclaimed property.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Total receipts and payments at the Treasury . .																
Total as per Pass Book, dated . .																
GRAND TOTAL																

---

* Inserted by Rule No. 5, dated the 18th March 1886.

Form No. 16.*

Daily Register of *Deposits received in Court or advised as having been received in the*
Treasury of *in the month of* *189* .

Part I.—A Deposits.† Part II.—B Deposits.†

Date of receipt.	Annual consecutive No. of each deposit.	No. of Chalan.	From whom received.	Nature of deposit, with name of payee.	Amount of each deposit.	Initials of Judge in charge, or Local Officer.	Monthly Total.	Details of repayment.														
								Date.	Amount of each repayment.	Initials of Judge in charge, or Local Officer.	Date.	Amount of each repayment.	Initials of Judge in charge, or Local Officer.	Date.	Amount of each repayment.	Initials of Judge in charge, or Local Officer.	Date.	Amount of each repayment.	Initials of Judge in charge, or Local Officer.	Total repayment.	Balance carried to Account Particulars.

---

* Revised by Rule No. 6, dated the 9th May 1890.

† *N.B.*—A separate Register in this form will be maintained for each of the two classes of Judicial deposits A and B. Each entry in this Register should be initialled by the Judge after comparison with the corresponding entries in the Register of Chalans issued. This form should be used for two years only, after which the unpaid balances should be transferred to the statement of "Account Particulars," as required by Rule 91.

Form No. 17.

Court's Daily Register of Judicial Deposits repaid at the Treasury of or repaid at the Court and advised to the Treasury during the month of 18 .

Part I.—A Deposits.* Part II.—B Deposits.*

DETAILS OF DEPOSITS.			DATES AS TO PRESENT REPAYMENT.					AMOUNT REPAID ON ACCOUNT OF DEPOSITS EXCEEDING R5 EACH.			INITIALS OF		
Date of receipt.	Number as per Register of Receipts.	Amount or balance of deposit.	Date of cashing payment order, whether at Court or at Treasury.	Date of granting payment order, as per Court's Register.	Number of repayment voucher.	To whom repaid.	Whether paid in cash or by transfer.	Received in previous month.	Received in current month.	Amount repaid on account of deposits of R5 and less.	Accountant.	Judge in charge.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13	14

---

* Separate Registers must be maintained for each of these two classes of deposits.

Each entry in this Register should be compared with the corresponding entry in the Register of Payment Orders.

Form No. 18.

*Date of last prior transaction. The of 18 .

Subordinate Court's Daily Advice List of Sums received and paid under the orders of the Court of on the day of 18 , being the date of actual receipt or actual disbursement at the Court or at the Treasury.

[*N.B.*—This statement is to be compiled from Registers 16, 17, 22, 23, 25.]

RECEIPTS.		PAYMENTS.	
Judicial deposits exceeding R5 each . . .		Repayment of deposits exceeding R5 each received in previous months, as per detailed register attached (Form No. 17.)	
Judicial deposits of R5 and under		Repayment of deposits exceeding R5 each received in current month . . .	
Fines and forfeitures . .		Repayment of deposits not exceeding R5	
Stamp duty and penalties .			
Miscellaneous and petty receipts			
TOTAL .		TOTAL .	

Certified that this statement has been examined with the Cash-books and Registers of Chalans and Payment Orders, and is correct.

Certified, also, that my Registers of Deposits not exceeding R5 are written up to date and are in order.

Subordinate Judge or Munsif.

To the District Judge of

The Daily Advice List (Form 18) will be furnished only by the Judge in charge of accounts of the Courts at other than the sudder station, who may either be a Subordinate Judge or a Munsif, but no such list will be sent by any of the Courts at the sudder station. *Vide* signature at foot. (*Accountant General's No. 141, dated 26th April 1881.*)

* Inserted by Rule No. 5, dated the 18th March 1886.

Form No. 19.

District Judge's Daily Register of Deposits advised as having been received and repaid under orders of the Subordinate Courts.

Date of actual receipt or repayment as advised.	DEPOSITS EXCEEDING IN AMOUNT R5 EACH.				DEPOSITS OF R5 AND UNDER.			Initials of District Judge.
	Total amount received.	Repaid on account of previous months.	Repaid on account of current month. A	Total amount repaid.	Amount received.	Amount repaid.	Daily Balance. B.	
1	2	3	4	5	6	7	8	9

N.B.—The column marked A should be proved monthly by comparing the difference betweee it and the column "Total amount received" with the Statement of Outstanding Deposits mentioned in Rule 85. The column marked B should be tested by comparing the balance on the last day of each official year with the list of unpaid deposits mentioned in Rule 95.

Form No. 20.

Extract Register of Receipts of Deposits at the Treasury in the month of 188 .

Date.	No. of each deposit.	No. of Chalan.	From whom received.*	Nature of each deposit.	Amount of each deposit.	DETAIL OF REPAYMENTS TO BE POSTED IN THE ACCOUNTANT GENERAL'S OFFICE.																Total repayments.	Balance of each deposit transferred to Account Particulars.
						IN THE YEAR OF RECEIPT.								IN THE FOLLOWING YEAR.									
						First quarter.	Amount.	Second quarter.	Amount.	Third quarter.	Amount.	Fourth quarter.	Amount.	First quarter.	Amount.	Second quarter.	Amount.	Third quarter.	Amount.	Fourth quarter.	Amount.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
				Brought forward.																			
						Apl.		July.		Oct.		Jan.		Apl.		July.		Oct.		Jan.			
						May.		Aug.		Nov.		Feb.		May.		Aug.		Nov.		Feb.			
						June.		Sept.		Dec.		Mar.		June.		Sept.		Dec.		Mar.			
						Apl.		July.		Oct.		Jan.		Apl.		July.		Oct.		Jan.			
						May.		Aug.		Nov.		Feb.		May.		Aug.		Nov.		Feb.			
						June.		Sept.		Dec.		Mar.		June.		Sept.		Dec.		Mar.			
				Carried over.																			

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* The name of the person *from* whom, not that of the Officer through whom the deposit is received, must be given.

Form No. 21.

List of A Deposits of *to be transferred to credit of Government under orders of Financial Department No. 1506, dated 31st March 1865.*

Year.	No.	Amount.		Year.	No.	Amount.	
1	2	3	4	5	6	7	8

Form No. 22.

Register of Fines and Forfeitures realized in the Civil Courts at during the month of 18 .

Consecutive No. of entry in this Register.	Date of realization.	No. of Chalan.	Date of remittance to Treasury.	Date of order imposing the fine.	Court by which imposed.	Name of offender.	Nature of offence.	Amount.*	Initials of the Judge in charge.	Details of any refund.	Initials of Judge in charge.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13

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* This column should be compared daily with the corresponding entries in the Register of Chalans.

N.B.—This form should also be used for stamp fines and penalties.

Form No. 23.

Register of Stamp Duty and Penalties realized in the Court of the of during the month of 18 .

Consecutive No. of entry in this Register.	Date of realization.*	Number in Chalan.*	Date of remittance to Treasury.	Court by which order is passed, and date of order.	SUIT.		Name of party paying the duty and penalty.	Description of instrument and date of execution.	Amount of duty levied.*	Amount of penalty levied.*	Total.	Initials of the Judge in charge.	REMARKS.
					No.	Title.							
1	2	3	4	5	6	7	8	9	10	11	12	13	14

* These columns should be compared daily with the corresponding entries in the Register of Chalans.

Form No. 24.

Register of the Refund of the value of Court-fee Stamps.

Date of cashing order for refund, whether at the Court or at the Treasury.	Date of granting order of refund as per Court's Register.	No. of repayment voucher.	To whom repaid.	No. of suit or appeal in which refund was ordered, and names of parties.	Amount refunded.	Initials of	
						Accountant.	Judge in charge.
1	2	3	4	5	6	7	8

Form No. 25.

Register of Miscellaneous Receipts in the Court of the during the month of 18 .

Consecutive number in this Register.	Date of realization.	Number in Chalan.	Date of remittance to Treasury.	From whom received.	DETAILED HEADS.							Total amount realized daily.	Initials of Judge in charge.	REMARKS.
					Sale-proceeds of the unclaimed property of intestates and others credited to Government.	Forfeiture of earnest-money.	Office receipts (sale of old furniture, &c.).			Petty receipts.	Miscellaneous items.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

N. B.—This register should be compared daily with the corresponding entries in the Register of Chalans.

Form No. 26.

Register of Intestate Property received in custody by the Nazir of the District Court of

Consecutive No.	Name, village, caste, and presumed age of the deceased.	Date of death.	Date on which the property was received.	Particulars of property.	Estimated value of the same.	Cash.	Date of sale.	Date on which the cash received with property is credited in General Cash Account, with page thereof.		Date of proclamation.	AMOUNT OF PROCEEDS REALIZED BY THE SALE OF GOODS, OR OF MONEY RECOVERED ON BONDS, OR RENTS, OR OTHER INCOME.		Date on which the sale proceeds, or other money recovered, were credited in General Cash Account, with page thereof.		Total of columns 7 and 13.	CHARGE TO BE DEDUCTED.			BALANCE HOW DISPOSED OF, BEING AMOUNT OF COLUMN 16 LESS COLUMN 19.				Date of final disposal, page of General Cash Book.	
											Description of goods.	Value realized.				Detail.	Amount.	Total.	Particulars.	Property and value paid to heirs or other persons.	Paid into the public treasury.	Total.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
					R a. p.	R a. p.		D.	P.			R a. p.	D.	P.	R a. p.		R a. p.	R a. p.		R a. p.	R a. p.	R a. p.	D.	P.

Form No. 27.

Account Particulars of A Deposits received at ________ Treasury in 189 , still outstanding on 1st April 189 .

Date.	No. of each deposit.	Name of person from whom received.	Nature of each deposit.	Balance of each deposit.	DETAILS OF REPAYMENTS (TO BE POSTED IN THE ACCOUNTANT-GENERAL'S OFFICE).																Total Repayments on each deposit.	Balance of each deposit lapsed and credited to Government.
					IN THE 2ND YEAR AFTER RECEIPT.								IN THE 3RD YEAR AFTER RECEIPT.									
					First quarter.	Amount.	Second quarter.	Amount.	Third quarter.	Amount.	Fourth quarter.	Amount.	First quarter.	Amount.	Second quarter.	Amount.	Third quarter.	Amount.	Fourth quarter.	Amount.		
			Brought forward.																			
					April May June		July Aug. Sept.		Oct. Nov. Dec.		Jan. Feb. Mar.		April May June		July Aug. Sept.		Oct. Nov Dec.		Jan. Feb. Mar.			
					April May June		July Aug. Sept.		Oct. Nov. Dec.		Jan. Feb. Mar.		April May June		July Aug. Sept		Oct. Nov. Dec.		Jan. Feb. Mar.			
					April May June		July Aug. Sept.		Oct. Nov. Dec.		Jan. Feb. Mar.		April May June		July Aug. Sept.		Oct. Nov. Dec		Jan. Feb. Mar.			
					April May June		July Aug. Sept		Oct. Nov. Dec.		Jan. Feb. Mar.		April May June		July Aug. Sept.		Oct. Nov. Dec.		Jan. Feb. Mar.			

Prescribed by Rule No. 6, dated 9th May 1890.

Form No. 28.

FORM OF ADVICE LIST.

To

THE OFFICER IN CHARGE OF THE TREASURY

AT

Dated *the* *18* .

SIR,

I beg to advise having to-day issued upon you the under-noted cheques for sums exceeding R100, amounting in the aggregate to *R

I have the honour to be,

SIR,

Your most obedient Servant,

Judge, Sub-Judge, or Munsif.

Serial number of payment order.	To whom payable.	Amount.			Date of payment.	Amount paid.			Initials of Treasury Officer checking issue.	REMARKS.
		R	a.	p.		R	a.	p.		

Prescribed by Rule No. 3 of the 23rd February 1886.

* Amount to be entered in words.

APPENDICES.

APPENDIX A.

List of Registers.

For all Judicial Officers.	To be kept by the Accountant.	1	Register of Chalans	Form No. 2
		2	,, ,, Chalans for Petty Receipts	,, 3
		3	,, ,, Payment Orders . .	,, 13
		4	,, ,, Treasury Pass-book .	,, 14
		5	,, ,, Judicial Deposits Received. { Part I ,, II }	,, 16
		6	,, ,, Judicial Deposits Repaid. { Part I ,, II }	,, 17
		7	,, ,, Judicial Fines and Forfeitures. . .	,, 22
		8	,, ,, Stamp Duty and Penalties	,, 23
		9	,, ,, Refunds of value of Court Fees	,, 24
		10	,, ,, Miscellaneous Receipts .	,, 25
	To be kept by the Cashier.	1	Peremptory Cash-book . . .	,, 5
		2	,, General Cash-book . .	,, 6
		3	Counterfoils of Receipts granted .	,, 4
For District Judges	To be kept by the Accountant.		Register showing Deposits Received and Repaid by Subordinate Courts .	,, 19
			Register of Intestate Property . .	,, 26
			,, ,, Account Particulars of A Deposits . . .	,, 27

List of Returns.

FROM THE SUBORDINATE COURTS TO THE DISTRICT JUDGES.

Statement of total Receipts and Payments on account of deposits and other transactions (76)	Daily
Extract Register of Repayments of A Deposits received in previous months (76)	,,
Statement of A Deposits Received, but not Repaid, during the month, with *plus* and *minus* memorandum enfaced (83 & 84)	Monthly
Statement of Miscellaneous Receipts (111) . . .	,,
Account Particulars of A Deposits (93) . . .	Annually
Lists of Lapsed Deposits (98)	,,
Certificate of the examination of B Deposits . . .	,,

FROM THE DISTRICT JUDGE THROUGH THE TREASURY OFFICER.

Register of Deposit Receipts with *plus* and *minus* memorandum enfaced (88 & 90)	Monthly
Register of Deposit Repayments (89)	,,
Statements of Miscellaneous Receipts of his Court and of the Courts subordinate to him (111)	,,

FROM THE DISTRICT JUDGE TO THE ACCOUNTANT GENERAL DIRECT.

Account Particulars of A Deposits (94)	Annually
Lists of Lapsed Deposits of his Court and of the Courts subordinate to him, with certificates of the examination of B Deposits enfaced (98)	,

APPENDIX B.

Judge's Daily Examination of Accounts.

(1) TRANSACTIONS AT COURT.

Comparison of Cashier's General Cash-book with the Registers of Chalans and Payment Orders.

Comparison of Treasury Pass-book with the Cash-book.

(2) TRANSACTIONS AT TREASURY.

Comparison of Treasury Advice with postings therefrom in the Registers of Chalans, of Payment Orders, of Deposit Receipts, and of Miscellaneous Receipts.

Comparison of Treasury Advice with Treasury Pass-book.

(3) TRANSACTIONS AT SUBORDINATE COURTS.

By Subordinate Court—Comparison of the Daily Statement with the Registers.

By District Judge—Comparison of Treasury Advice with Subordinate Courts' Statement.

Comparison of Statement with posting therefrom in the Register Form 19, and Registers of Receipts and Payments of Deposits.

Judge's Monthly Examination of Accounts.

1. The proper closing and totalling of all Registers.
2. Comparison of out-going Statements with Office Registers.
3. Comparison of *plus* and *minus* memorandum with totals of Registers.
4. Ascertainment and verification of outstanding Payment Orders.

By District Judge—

Comparison of Subordinate Courts' Returns with Register Form 19.

CHAPTER VI.

Registers. Periodical Returns. Reports.

Registers.

1. [*Rules* for the maintenance and destruction of the Registers of Subordinate Civil Courts—C. O. No. 6 of 9th May 1890.*]

1. In supersession of all previous orders on the subject, the Court is pleased to prescribe the Registers, of which lists and forms are appended, to be kept in the Courts subordinate to it.

2. The Registers are shown under three classes—

A.—Primary Registers.
B.—Subsidiary Registers.
C.—Accounts Registers.

The Primary Registers are those which have to do directly with cases filed in Court and which form a *quasi*-record of the progress and disposal of such cases. The Subsidiary Registers are those which have to be maintained for administrative purposes or for the purpose of preparing statistical returns. The Accounts Registers are those which have to do with the receipt and payment of money.

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* These rules came into effect from the 1st January 1891.

Published in the *Calcutta Gazette* of the 30th April 1890, Part I, pages 348 to 412, and in the *Assam Gazette* of the 3rd May 1890, Part III, pages 211 to 230.

3. The classes of Courts, in which the different Registers are to be kept up and the periods for which they are to be preserved, are shown in the accompanying lists. The periods stated therein are to be reckoned from the date of the last entry in the Register, and the Court is pleased to direct, under Section 2 of Act III of 1879, that, at the expiration of those periods, the Registers shall be destroyed. It is not necessary to open new Registers in every instance each year.

4. Wherever it is possible the Primary Registers and the Accounts Registers should be kept in English.

5. While the Court does not positively forbid the maintenance of other Subsidiary Registers in the various Courts subordinate to it, the accompanying lists specify all the Registers which, it is believed, are absolutely necessary either for judicial or administrative purposes.

6. The forms in most cases sufficiently explain themselves. The following additional instructions are, however, issued for general guidance.

A.—Primary Registers.

7. *Registers of 1 and 2*, Register of Civil Suits and Register of Rent Suits.—To facilitate reference in the making up of Quarterly aud Annual Statements, column 2 of the General Register of Suits prescribed by Section 58, Act XIV of 1882, shall be sub-divided into two columns. The first sub-column shall contain the consecutive number of the suit in the General Register, the second shall contain a subordinate serial number for all suits of the following kinds, *viz.*,—(*a*) Small Cause Court class, and

(*b*) Suits for money, distinguishing suits up to R500 cognizable by Small Cause Courts from other cases.

For the column headed "Appearance" in the said General Register of suits, and the sub-columns headed, respectively, "Day for parties to appear," "Plaintiff," and "Defendant" shall be substituted a column headed "Mode of disposal," with a sub-heading "Whether decided *ex parte* or after contest or on compromise." For the two sub-columns under the heading "Appeals" the following shall be substituted—"No. and date of Appeal" and "Date and purport of Judgment in Appeal." For the first sub-column under the head of "Execution" the following shall be substituted—"No. and date of application." In columns 17 and 18 shall be entered not only the particulars of the order on First Appeal, but also the particulars of the order on Second Appeal or Revision, if any.

The High Court takes this opportunity to impress upon the attention of all Subordinate Courts the necessity of duly and regularly filling in the particulars regarding proceedings in execution of decrees. The proceedings upon each application for execution should find a place in this Register, which is intended to show a complete history of the suit from institution to final satisfaction of decree.

8. *Register 11.*—A separate Register of Execution Cases has been prescribed, not with the object of superseding the information to be entered in the execution columns of the General Register, but for the sake of administrative convenience, and also for the purpose of

showing proceedings in execution of decrees of other Courts.

9 *Register 13.*—In the Register of Appeals prescribed by Section 548 of the Code of Civil Procedure, for the column headed "Appearance" and the three sub-columns headed, respectively, "Date for parties to appear," "Appellant," and "Respondent" shall be substituted a column headed "Mode of disposal," with a sub-heading "Whether decided *ex parte* or after contest or on compromise." A column headed "Remarks" shall be added to this Register, and the particulars of any order passed on Second Appeal or Revision shall be entered therein.

10. *Register 15.*—In this Register shall be included Appeals from Orders under Section 588 of Act XIV of 1882, and Appeals in Miscellaneous Judicial Cases only. Applications to withdraw or transfer an Appeal under Section 25, Code of Civil Procedure, applications for the re-admission or re-hearing of an Appeal under Section 558 or 560, and applications for review of Judgment under Section 623, are not appeals, but of the nature of original applications though made to an Appellate Court. They will, therefore, be entered in the Register of Miscellaneous Judicial Cases (No. 7) kept up in that Court, and they will be shown in Monthly Statement B, Part 2, Quarterly Statement B, and Annual Statement 4, Part 2.

Applications to appeal in *formâ pauperis* also come within the same category as the cases mentioned above and should be dealt with in the same manner.

When an appeal is remanded, revived, or reviewed, it will of course be shown in its proper place in the Registers of Appeals.

11. *Register 17.*—Register 17 shall be used in Courts of Small Causes only, and not by Munsifs and Subordinate Judges vested with Small Cause Court powers.

12. *Register 18.*—Register 18 shall be used in Courts of Small Causes, and every Subordinate Judge and Munsif vested under Section 25, Act XII of 1887, with the jurisdiction of a Judge of a Court of Small Causes, whatever the pecuniary limits assigned, shall use this Summons Book for purposes of record in connection with cases tried under such powers.

13. The High Court do not consider it necessary to prescribe a Register for any cases of a non-judicial nature other than those which will be entered in Registers 9 and 10.

B.—Subsidiary Registers.

14. *Register 1(a).*—The Diary shall contain all the particulars entered in the form, and each day's entry shall be signed by the presiding officer before leaving the Court. Each case fixed for any day shall be entered in advance immediately upon a date or adjourned date being fixed, and the entry as to each case shall show whether it is for final disposal at the first hearing or for settlement of issues or for trial after adjournment, or for any other purpose. The Diary shall show briefly the progress made in each case, and when witnesses are examined in any case the number of such witnesses shall be stated.

(*b*).*—When an Officer has to perform Revenue or Criminal duties in addition to his work as a Civil Judicial Officer, he will, when at head-quarters, note daily in his Diary whether the day has been spent wholly or partly in the performance of any one class of such duties. The whole of the days spent by him on tour will be credited, in the Non-Regulation provinces, to Revenue alone.

15. *Register 2.*—The Register of Petitions requires no explanation. The number of petitions received each day with their serial numbers, as shown in this Register, shall be entered in the Diary.

16. *Register 3.*—The instructions given at the foot of the Register of Attendance of Witnesses shall be carefully followed.

17. *Register 7.*—The Register of Applications for copies shall be in charge of the comparing clerk and not of a copyist. Applications for copies, or inspection, of Wills and Registers of Wills shall, in accordance with the orders of the Government of Bengal, be entered in this Register.

18. *Registers 8 and 9.*—The District Judge shall furnish each Civil Court Ameen with copies of these two Registers which shall be kept up regularly by the Ameen.

19. *Register 10.*—† Every Civil Judicial Officer shall keep, under his own hand, a Memorandum Book showing the names of all the Amlah under his control, and the different classes of records, whether those of Original Suits, Miscellaneous Cases, Execution of Decrees, or Appeals, placed in their charge. Any change that may

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* C. O. No. 17 of 26th August 1882.

† C. O. No. 7 of 14th April 1882.

from time to time be made in consequence of the removal, transfer, or absence on leave of any of the Amlah, or from any other cause, shall be noted in the book ; and every such change shall be certified by the signatures of the Amlah giving and receiving charge, and of the Court in which they are employed.

20. *Register 12.*—There shall be maintained in each of the Subordinate Civil Courts a Register in this form of all Pleaders and Mukhtyars enrolled in it under Sections 8 and 9 of the Legal Practitioners Act (XVIII of 1879).

C.—Accounts Registers.

21. *Register 20.*—The Sale Account Register shall be filled up in every case by the Nazir or other officer holding the sale, and shall be presented by him at the close of the day to the presiding officer of the Court under the orders of which the sale has been held.

The provisions of the Civil Procedure Code render it necessary that cash should sometimes be received by the Nazir even where sales are held at head-quarters, where there is a Treasury. It is therefore very important that all Judges should see that the cash so received is duly forwarded to the Treasury and credited in account, and it is the object of the Sale Account Register to bring to the notice of the Judges all such cash transactions, that they may satisfy themselves as to the regular and immediate disposal of the proceeds.

22 *Registers 23 and 24.*—The Detailed Daily Register of Court-fees realized shall be kept in order to secure the accuracy of entries made in the Abstract Daily Regis-

ter of Court-fees realized, and the instructions at the foot of the form shall be carefully observed.

The form of Abstract Daily Register of Court-fees realized has been prescribed for adoption by the Government of India and shall be regularly maintained. The entries in this Register are not to be made in detail, but only so as to show the aggregate value of the stamps filed in Court during each day under each of the five classes indicated. The entries shall be initialled daily by the presiding officer.

23. The instructions as to the keeping of the Account Registers, contained in the rules for the Receipt and Payment of money by Judicial Officers, should be carefully observed. The forms, which, for the sake of convenience, are attached to these rules, are the same as those contained in that chapter.

List of Registers to be maintained in the Civil Courts of Bengal.

A.—PRIMARY REGISTERS.

No.	Name of Register.	By what Courts to be maintained.	Period for which to be preserved.	REMARKS.
1	Register of Civil Suits .	All Courts of original jurisdiction other than Court of Small Causes.	For ever.	
2	Register of Rent Suits .	Ditto . .	Ditto.	
3	Register of References under the Land Acquisition Act.	All Courts having jurisdiction under the Act.	12 years.	
4	Register of Applications for Probate or Letters of Administration or Certificates to collect debts, under Act X of 1865. Act V of 1881, or Act VII of 1889.	Ditto . .	For ever.	
5	Register of Applications in respect of minors and lunatics, under Act VIII of 1890, or Act XXXV of 1858.	Ditto . .	25 years.	
6	Register of Applications in Insolvency, under Chapter XX of the Code of Civil Procedure.	All Courts having jurisdiction in Insolvency matters.	Ditto	
7	Register of Miscellaneous Judicial cases.	All Courts .	Ditto.	
8	Register of applications to sue in *formâ pauperis*	All Courts of original jurisdiction.	Ditto.	
9	Distraint Register under Chapter XII, Bengal Tenancy Act.	All Courts of original jurisdiction other than Courts of Small Causes.	12 years.	
10	Register of applications other than for Distraint under the Bengal Tenancy Act.	All Courts other than Courts of Small Causes.	Ditto.	
11	Register of applications for the execution of decrees.	All Courts .	Ditto.	
12	Register of claims and objections in execution proceedings.	Ditto . .	Ditto.	

A.—PRIMARY REGISTERS—*contd.*

No.	Name of Register.	By what Courts to be maintained.	Period for which to be preserved.	REMARKS.
13	Register of Civil Appeals	All Appellate Courts.	For ever.	
14	Register of Rent Appeals	Ditto . .	Ditto.	
15	Register of Miscellaneous Appeals.	Ditto . .	25 years.	
16	Register of applications to appeal *in formâ pauperis.*	Ditto . .	Ditto.	
17	Register of Civil Suits (Small Cause Court.)	Courts of Small Causes only.	12 years	
18	Summons Book . .	All Courts having Small Cause Court powers.	Ditto.	
19	* Register of copies of Wills.	All District Courts and District Delegates under Act V of 1881.	For ever.	
20	* Index to Wills . .	Ditto . .	Ditto.	
21	Register of Documents returned.	All Courts .	12 years.	

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* These two Registers are prescribed by the Government of Bengal under Section 259 of Act X of 1865.—See Notification, dated 22nd October 1867, printed at page 1620 of the *Calcutta Gazette* of the 23rd idem.

B.—SUBSIDIARY REGISTERS.

No.	Name of Register.	By what Courts to be maintained.	Period for which to be preserved.	REMARKS.
1	Diary	All Courts .	3 years.	
2	Register of Petitions .	Ditto . .	Ditto.	
3	Register of attendance of witnesses.	Ditto . .	Ditto.	
4	Register of commissions issued under Sections 383, 386, 392, 394, or 396 of the Code of Civil Procedure.	Ditto .	Ditto.	
5	Register of Processes served by the Establishment under the Nazir.	To be kept by the Nazir.	Ditto.	
6	Register of affidavits .	All Courts	Ditto.	
7	Register of applications for copies.	Ditto . .	Ditto.	
8	Diary of Civil Court Ameens.	District Judge .	Ditto.	
9	Register of work of Ameens.	Ditto . .	Ditto.	
10	Memorandum Book of the Ministerial Officers and the records in their charge.	All Courts .	12 years	
11	Attendance Register of Ministerial Officers.	Ditto . .	1 year.	
12	Register of Pleaders and Mukhtyars.	Ditto . .	For ever.	
13	Catalogue of Books in the Library.	Ditto . .	Ditto.	

NOTE.—No particular forms are required for Nos. 10, 11, and 13

C.—ACCOUNTS REGISTERS.

No.	Name of Register.	By what Courts to be maintained.	Period for which to be preserved.	REMARKS.
1	Register of chalans .	Judge in charge of Accounts.	12 years	
2	Register of chalans for petty receipts.	Ditto .	Ditto.	
3	Register of counterfoils of receipts granted.	Ditto .	3 years.	
4	Register of payment orders.	Ditto .	12 years	
5A	Register of A deposits received.	Ditto .	For ever.[1]	
5B	Register of B deposits received.	Ditto .	For ever.[1]	
6A	Register of A deposits repaid.	Ditto .	12 years.	
6B	Register of B deposits repaid.	Ditto .	Ditto.	
7	Register of deposits received and repaid by Subordinate Court.	District Judge .	Ditto.	
8	Account particulars of A deposits.	Judge in charge of accounts.	For ever.[1]	
9	Register of Judicial fines and forfeitures.	Ditto .	12 years.	
10	Register of Stamp duties and penalties paid.	Ditto .	Ditto.	
11	Register of refunds of value of Court-fees.	Ditto .	Ditto.	
12	Register of miscellaneous receipts.	Ditto .	Ditto.	
13	Treasury Pass Book .	Ditto .	Ditto.	
14	Register of Intestate property.	District Judge .	Ditto.	
15	General Cash Book .	Judge in charge of accounts.	Ditto.	
16	Peremptory Cash-book .	Ditto .	Ditto.	
17	Acquittance Roll . .	Ditto .	25 years.	
18	Register of contract contingent charges.	Ditto .	12 years.	
19	Register of contingent charges.	Ditto .	Ditto.	
20	Sale Account Register .	Ditto .	Ditto.	
21	Register of receipts on account of Civil Court Ameens.	All Civil Courts	3 years.	
22	Register of Disbursements on account of Civil Court Ameens.	Ditto .	Ditto.	
23	Detailed daily register of Court-fees realized.	Ditto .	Ditto.	
24	Abstract daily register of Court-fees realized.[2]	Ditto .	Ditto.	

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[2] Amended by C. O. No. of 1891.

[1] This Register has been prescribed by the Government of India under Section 27 of the Court-fees Act, VII of 1870.—*See Resolution of the Financial Department, No. 3335, dated the 21st of September 1887.*

A.—PRIMARY REGISTERS.

1.—Register of Civil Suits.

2.—Register of Rent Suits.

(To be maintained in all Courts of Original Jurisdiction other than Courts of Small Causes, and to be preserved for ever.)

	NO. OF SUIT.		PLAINTIFF.			DEFENDANT.			CLAIM.			MODE OF DISPOSAL.	JUDGMENT.			APPEAL.		EXECUTION.					RETURN OF EXECUTION.		
Date of presentation of plaint.	Serial No. of Suit.	Serial No. of Suit under the Small Cause Court Class	Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Particulars.	Amount of value.	When the cause of action accrued.	Whether decided *ex parte* or after contest, or on compromise.	Date.	For whom.	For what, or amount.	No. and date of appeal.	Date and purport of judgment in appeal.	No. and date of application.	Date of order.	Against whom.	For what, and amount, if money.	Amount of costs.	Amount paid into Court.	Arrested.	Minute of other Return than Payment or Arrest, and date of every Return.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26

NOTE.—In Columns 17 and 18 shall be entered not only the particulars of the Order on First Appeal, but the particulars of the order on Second Appeal, or Revision if any.

NOTE.—Cases remanded by Appellate Courts to Lower Courts under section 562, C. C. P., will be readmitted and entered in the General Register of suits under their original Nos. In each case the letter R. will be affixed to the No. to be entered in col. 2—*G. L. No. 11 of 26th November 1887.*

3.—*Register of References under the Land Acquisition Act in the Court of District*

(To be maintained by all Courts having jurisdiction under the Act, and to be preserved for 12 years.)

Serial No. of Reference.	No. and date of Collector's order of reference.	Section under which reference is made.	Names of parties interested.	Amount of compensation tendered or awarded by the Collector.	Amount of compensation claimed.	In cases referred for apportionment, the sum to be apportioned.	Order passed with date	REMARKS. (*The particulars of any orders passed on Appeal or Revision shall be entered in this column.*)
1	2	3	4	5	6	7	8	9

4.—*Register of Applications for or for the revocation of Probate or Letters of Administration or Certificates to collect Debts, under Act X of 1865, Act V of 1881, or Act VII of 1889, in the Court of District* .

(To be maintained by all Courts having jurisdiction under the Acts, and to be preserved for ever.)

Serial No.	Date of application.	Name, description and residence of Applicant.	Particulars of application. If an application to revoke probate, &c., state the No. and date of the application upon which it was granted.	Name and description of the deceased.	Name and residence of Objector (if any).	Particulars of objection.	If contested case under Act X of 1865 or Act V of 1881, No. of Suit in General Register.	Order made, and date.	Date on which probate or letters of administration or certificate was issued.	Value of Estate (in case of application for probate, &c.) or outstanding debts (in case of application for certificate).	Value of Court-fees paid thereon.	REMARKS. (*The particulars of any orders passed on Appeal or Revision shall be entered in this column.*)
1	2	3	4	5	6	7	8	9	10	11	12	13

5.—*Register of Applications, in respect of Minors and Lunatics, under Act VIII of 1890 and Act XXXV of 1858, in the Court of District .*

(To be maintained in all Courts having jurisdiction under the Acts, and to be preserved for 25 years.)

Serial No.	Date of application.	Name and residence of applicant.	Particulars of application.	Name of minor or lunatic.	Name of opposing party (if any).	Particulars of objection.	Order passed, and date.	Date of issue of Certificate.	Value of Estate.	Court-fee paid thereon.	REMARKS. (*The particulars of any orders passed on Appeal or Revision shall be entered in this column.*)
1	2	3	4	5	6	7	8	9	10	11	12

6.—*Register of Applications in Insolvency under Chapter XX of the Code of Civil Procedure in the Court of   District*   .

(To be maintained in all Courts having jurisdiction in Insolvency matters, and to be preserved for 25 years.)

Serial No.	Date of Application.	Name of Judgment-debtor.	Name of Applicant, and in what capacity he applies.	Purport of Application.	Amount of Assets.	Amount of Liabilities.	Names of opposing creditors (if any).	Order made and date.	Name of Receiver (if any) appointed.	Date of discharge of Insolvent.	REMARKS. (*The particulars of any orders passed on Appeal or Revision shall be entered in this column.*)
1	2		4	5	6	7	8	9	10	11	12

7.—*Register of Miscellaneous Judicial Cases in the Court of* *District* .

(To be maintained in all Courts, and to be preserved for 25 years.)

Serial No.	Date of Application.	Name and residence of Applicant.	Name and residence of Opposite Party.	Particulars of Application.	Act, and Section of Act under which preferred.	Order passed, and date.	REMARKS. *(The particulars of any orders passed on Appeal or Revision shall be entered in this column.)*
1	2	3	4	5	6	7	8

[*N.B.*—Separate registers are prescribed for execution cases, probate cases, cases under the Land Acquisition Act, cases affecting minors and lunatics, and insolvency cases. In this Register should be shown all other Miscellaneous Judicial cases, such as cases under the Land Registration Act, Regulation V of 1799, the Legal Practitioners' Act, and Miscellaneous Proceedings under the Code of Civil Procedure.]

8.—*Register of Applications to sue in formâ pauperis in the Court of District*

(To be maintained in all Courts of Original Jurisdiction, and to be preserved for 25 years.)

Serial No. of Application.	Date of Application.	Name, description and residence of Applicant.	Order on Application and date thereof.	If Application granted, year of Suit and No. in the General Register.	Result of Suit.	Date of Decree.	Amount of Court-fees which would have been paid by the Plaintiff if he had not been permitted to sue as a pauper.	Date on which copy of decree was made over to Government Pleader.	REMARKS. (*The particulars of any orders passed on Appeal or Revision shall be entered in this column.*)
1	2	3	4	5	6	7	8	9	10

9.—*Distraint Register under Chapter XII, Bengal Tenancy Act.*

(To be maintained in all Courts of Original Jurisdiction other than Courts of Small Causes, and to be preserved for 12 years.)

SERIAL NO. OF		Date of Application to Distrain or of Notice of Distraint under Section 141.	Name and address of the Applicant under Section 121, or of the person giving notice under Section 141.	Name and address of the Defaulter.	Amount of Arrear claimed and Period in respect of which it is claimed.	Purport of the Order passed, and date on which it is passed.	Name of the Officer deputed to distrain or to take charge of property distrained.	Date of Distraint.	Date of Sale Proclamation.	Date of Sale.	AMOUNT REALISED BY SALE.				AMOUNT (IF ANY) DEPOSITED UNDER SECTION 136.		REMARKS.
Application under Section 121.	Notice under Section 141.										Arrear.	Costs.	Surplus.	TOTAL.	Arrear.	Costs.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18

10.—*Register of Applications other than for Distraint, under the Bengal Tenancy Act, in the Court of District* .

(To be maintained in all Courts other than Courts of Small Causes, and to be preserved for 12 years.)

Serial No.	Name and residence and status of Applicant.	Nature of Application.	Section under which made.	Substance of Order.	Date of Order.	REMARKS. (*The particulars of any orders passed on Appeal or Revision shall be entered in this column.*)
1	2	3	4	5	6	7

11.—*Register of Applications for the execution of Decrees in the Court of* *District* .

(To be maintained in all Courts, and to be preserved for 12 years.)

Serial No. of Application.	Date of Application.	Year of Suit and No. in General Register.	Names of Parties.	Date and nature of Decree.	Court which passed the Decree.	No. and date of previous application (if any) to the Executing Court.	Amount of decree still unsatisfied.	Person or persons against whom execution is sought.	Order, if any, and date.	Amount realized.	Amount still due under Decree.	REMARKS. (*The particulars of any orders passed on Appeal or Revision shall be entered in this column.*)
1	2	3	4	5	6	7	8	9	10	11	12	13

12.—*Register of Claims and Objections under Sections 278, 328, 332, or 335 of the Code of Civil Procedure in Execution Cases, in the Court of District .*

(To be maintained in all Courts, and to be preserved for 12 years.)

Serial No. of Claim or Objection.	Date of Claim or Objection.	Section of Code under which Claim or Objection is preferred.	No. and year of case in Execution Register.	Names of Decree-holder and Judgment-debtor.	Name of Claimant or Objector.	Particulars of Claim or Objection.	Order passed, and date.	REMARKS. *(The particulars of any orders passed on Revision shall be entered in this column.)*
1	2	3	4	5	6	7	8	9

13.—Register of Civil Appeals.

14.—Register of Rent Appeals.

(To be maintained in all Appellate Courts, and to be preserved for ever.)

Date of Memorandum	No. of Appeal.	APPELLANT.			RESPONDENT.			DECREE APPEALED FROM.				MODE OF DISPOSAL.	JUDGMENT.			REMARKS.
		Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Of what Court.	No. of Original Suit.	Particulars.	Amount or Value.	Whether decided *ex parte* or after contest, or on compromise.	Date.	Confirmed, reversed, or altered.	For what, or amount.	*(The particulars of any orders passed on Second Appeal or Revision shall be entered in this column.)*
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

15.—*Register of Miscellaneous Appeals instituted in the Court of District*

(To be maintained in all Appellate Courts, and to be preserved for 25 years.)

Serial No.	Date of Appeal.	Name and residence of Appellant.	Name and residence of Respondent.	Court which passed the Order under Appeal.	No. and year of suit or proceeding.	Date of Order.	Particulars of Order.	Date of decision on Appeal.	Order on Appeal.	REMARKS. (*The particulars of any orders passed on Second Appeal or Revision shall be entered in this column.*)
1	2	3	4	5	6	7	8	9	10	11

16.—*Register of Applications to Appeal in formâ pauperis in the Court of District*

(To be maintained in all Appellate Courts, and to be preserved for 25 years.)

Serial No. of Application to appeal in *formâ pauperis*.	Date of Application.	Name of Applicant.	No. and year of Suit.	Whether Applicant, if Plaintiff, was allowed to sue as pauper.	Order on Application.	No. and year of Appeal.	Result of Appeal.	Date of Decree.	Amount of Court-fees which would have been paid by the Appellant if he had not been permitted to appeal as a pauper.	REMARKS. (*The particulars of any orders passed on Second Appeal or Revision shall be entered in this column.*)
1	2	3	4	5	6	7	8	9	10	11

17.—*Register of Civil Suits in the year 18* .

(To be maintained in Courts of Small Causes only, and to be preserved for 12 years.)

Date of presentation of Plaint.	No. of Suit.	PLAINTIFF.			DEFENDANT.			CLAIM.			MODE OF DISPOSAL.	JUDGMENT.			EXECUTION.		REMARKS.
		Name.	Description.	Place of abode.	Name.	Description.	Place of abode	Particulars.	Amount or Value.	When the cause of action accrued.	Whether decided *ex parte* or after contest, or on compromise, or on re-hearing.	Date.	For whom.	For what, or amount.	Date of Application.	Particulars.	(*The particulars of any order passed on Revision shall be entered in this column.*)
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18

18.—Summons Book.

(To be maintained by all Courts having Small Cause Court powers, and to be preserved for 12 years.)

SMALL CAUSE COURT OF

	R	*a.*	*p.*		Particulars of Demand, &c.
Amount of Court-fees of all sorts incurred by Plaintiff.				Date of plaint No. of ditto Register No. Plaintiff's name	
Amount of Court-fees of all sorts incurred by Defendant.					
TOTAL .				Defendant's name	
				Cause of Action	
				Amount Defence	

Name of Peon who served the process

Substance of Evidence

NOTE.—On the reverse side will appear the judgment and decree.
(This book must be kept in English.—*C. O. No. 29, dated 12th August 1880.*)

20.—*Index to Wills.*

(To be maintained in all District Courts and by the District Delegates under Act V of 1887, and to be preserved for ever.)

Name of Testator.	Residence, &c.	No. and year of Register.	Page.

21.—*Register of Documents returned.*

(To be maintained in all Courts, and to be preserved for 12 years.)

Serial No.	Date of Application.	Name of the Applicant.	Date of Order of return of original document.	Name of Court, and Serial No. and year of the suit or proceeding in which the document was filed.	Date and description of document.	Date of return of document.	Signature of the person to whom the document is returned.
1	2	3	4	5	6	7	8

B.—SUBSIDIARY REGISTERS.

1.—*Diary.*

(To be maintained in all Courts, and to be preserved for three years.)

District Judge
Subordinate Judge
Munsif

took his seat at A.M.

Petitions Nos. to received.

The following cases fixed for the day were then dealt with as shown opposite each :—

The Court rose at P.M.

2.—*Register of Petitions.*

(To be maintained in all Courts, and to be preserved for three years.)

Filed in the Court of the { District Judge. / Subordinate Judge. / Munsif. }

Date.	Serial No.	No. of Case to which Petition relates.	Subject of Petition.	Date of Order passed on Petition.

3.—*Register of the Attendance of Witnesses in the Civil and Criminal Courts.*

(To be maintained in all Courts, and to be preserved for three years.)

Serial No. of witness.	Name of witness.	Register No. of case and names of parties.	FIRST APPEARANCE.		SECOND APPEARANCE.		THIRD APPEARANCE.		TOTAL NUMBER OF DAYS IN ATTENDANCE AT COURT.							Examined or not.	Initials of presiding officer.	Amount paid as expenses.	Receipt of witness.
			Date of attendance.	Date of discharge.	Date of attendance.	Date of discharge.	Date of attendance.	Date of discharge.	One day.	Two days.	Three days.	Four days.	Five to seven days.	Eight to fifteen days.	More than fifteen days.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20

INSTRUCTIONS.—This Register will show all witnesses, including complainants in the Criminal Courts, who attend for the purpose of being examined in any case. A witness will be considered to have appeared on any day if he attend sufficiently early to allow of his deposition being recorded. Columns 1 to 4 will be filled in daily, for every witness reported to be in attendance for the first time. Column 5 will be filled in when the witness is discharged for the first time, and columns 6 to 9, as may be necessary, on account of the subsequent re-appearance and discharge of the same witness from time to time until the case is terminated. If any witness re-appears after being three times discharged, a new series of entries in red ink must be made in columns 4 to 9 against his name, immediately under the previous entries. Columns 10 to 18 will be filled up when the witness is finally discharged, the initials of the presiding officer being intended to vouch for the correctness of the entries. The number of days to be entered in columns 10 to 16 will be calculated by reckoning the total number of days elapsing between each successive appearance and discharge, including the days on which these occurred. In column 17 a distinctive mark should be made to show those witnesses who were finally discharged without examination, in order to assist in the preparations of the Annual Returns. Any amount paid as expenses to witnesses should be entered in column 19, and, if the payment be made in Court, the witness' receipt should be taken at the time of payment in column 20.

4.—*Register of Commissions issued under Sections 383, 386, 392, 394, or 396 of the Code of Civil Procedure in the Court of District .*

(To be maintained in all Courts, and to be preserved for three years.)

Serial No. for the year.	No. and year of suit.	Name of party applying, and whether plaintiff or defendant.	Date of application.	Nature of Commission applied for, and Section of the Code under which the Commission is issued.	Place to which Commission is to be sent.	Court or person or persons to whom addressed.	In case of Commissions under Sections 383 or 386, names of witnesses to be examined.	Fee paid.	Date of issue.	Date fixed for return.	Date of return.	Whether or not executed.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13	14

5.—Register of Processes served by the establishment under the Nazir of the Court of District

(To be kept by the Nazir, and to be preserved for three years.)

Serial No. of process.	Nature of process.	Court from which the process is issued.	No. and year of case, and nature of case.	Name of person on whom to be served.	Place and distance from Court.	No. of duplicate processes accompanying the original.	Date of deposit of tulabana.	Date of receipt by Nazir.	Date of delivery to peon.	Name of peon.	Number of days allowed for service.	Date of actual service.	Date of return to Nazir.	Date of return to Office.	Signature of Clerk of the Court.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17

6.—*Register of Affidavits sworn in the Court of District* .

(To be maintained in all Courts, and to be preserved for three years.)

Serial No. of year.	Date.	AFFIDAVITS ON WHICH NO FEE IS CHARGEABLE.		AFFIDAVITS ON WHICH A FEE IS CHARGEABLE.		Whether compulsory under the Code of Civil Procedure, or optional.	Remarks.
		Name of declarant.	Whether peon, identifier, or public officer.	Name of declarant.	Fee paid.		
1	2	3	4	5	6	7	8

7.—*Register of Applications for Copies.*

(To be maintained in all Courts, and to be preserved for three years.)

Serial No.	Name of applicant.	Date of application.	Nature of document of which copy or inspection is applied for, and No. and year of case in which filed.	WHETHER APPLICANT REQUIRES		NUMBER OF FOLIOS				Extra fee for urgent copy.	Court-fees for certified copy.	Fee for search or inspection.	Date on which copy was ready for delivery.	Date on which delivery was taken.	REMARKS.
				Certified copy.	Uncertified copy.	Filed with application.	Filed afterwards with date of filing.	Used.	Returned unused.						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

NOTE.—In the column for Remarks should be noted any copies which, though originally applied for and granted as "uncertified," are subsequently converted into "certified" copies. Searching fees should also be shown in column 7 of the Detailed Daily Register of Court-fees realized and treated as fees payable under Schedule II, Act VII of 1870.

8.—*Diary of Civil Court Ameens.*

(To be maintained in District Judges' Courts only, and to be preserved for three years.)

Month.	Day.	Short Memorandum of business done daily to be recorded daily.

9.—*Register of Work of Ameens.*

(To be maintained in District Judges' Courts only, and to be preserved for three years)

1	2	3	4	5	6	7	8	9	10
No.	Date of receipt of Order.	Date of Order.	Court issuing it.	Nature of business.	No. of suit and names of party or parties and valuation of suit.	Date of commencement of duty.	Time fixed for performing duty.	Date of report of completion.	REMARKS.

12.—*Register of Pleaders and Mukhtyars enrolled in the Court of the at .*

(To be maintained in all Civil Courts, and to be preserved for ever.)

No. in the High Court's Register, and year of admission.	Name and degree, if any.	Father's name.	Place where practising.	Value of stamp on certificate	Date of last renewal.	REMARKS.
1	2	3	4	5	6	7

NOTE.—District Judges should forward annually to District Magistrates a list of the names of any Pleaders or Mukhtyars who have been enrolled or have renewed their certificates (*G. L. No. 9 of 1890 and 3 of 1891*).

C.—ACCOUNTS REGISTERS.

1.—*Register of Chalans for money tendered in the Court of the month of 189 .*

(To be maintained by the Judge in charge of Accounts, and to be preserved for 12 years.)

Date.	Consecutive No. of chalans.	From whom received.	Nature of receipt with name of payee (if any). Particulars.	AMOUNT RECEIVED IN		Initials of Judge in charge.	Date of credit in the Collector's account.	Initials of Judge in charge.	REMARKS.
				Court.*	Treasury.				

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* This column should be daily totalled and compared with the figures in the Debtor side of the Cash Book.

2.—*Register of Chalans for Petty Payments made into the Court of the at to the credit of Government.*

(To be maintained by the Judge in charge of Accounts, and to be preserved for 12 years.)

Date.	No.		R	a.	p.	Date.	No.		R	a.	p.
						Date.	No.		R	a.	p.
						Date.	No.		R	a.	p.
						Date.	No.		R	a.	p.

No.________

*Dated*________

*Name of Payer*________

*On what account*________

*Amount*________

3.—*Cashier's Receipt for Peremptory Cash Receipts.*

(To be maintained by the Judge in charge of Accounts, and to be preserved for three years.)

*No.*________

*Dated*________

*Received from*________

the sum of

R

Cashier of the Court of the

At

4.—*Register of Payment Orders issued by the of in the month of 189 .*

(To be maintained by the Judge in charge of Accounts, and to be preserved for 12 years.)

Date.	Consecutive No. of payment orders.	To whom paid.	Nature of payment, and No. of item in the Register of Receipts against which it is to be taken.	AMOUNT CASHED IN						Initials of Judge in charge.	Date of payment by Collector.	Initials of Judge in charge.	REMARKS.
				Court.*			Treasury.						
				R	a.	p.	R	a.	p.				

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* This column should be daily totalled and compared with the figures in the Creditor side of the Cash-Book.

After the receipt of the treasury advice for the last day of the month, the monthly totals of this Register should be compared with the monthly totals of the Register of Repayments of Deposits, and of any refunds of fines or miscellaneous receipts granted. The difference, if any, will be due to orders granted, but not cashed, and the amount of those which have lapsed should be written off.

5 A and 5 B.—*Daily Register of Deposits received in Court or advised as having been received in the Treasury of in the month of 189 .*

Part I.—A Deposits. Part II.—B Deposits.

(To be maintained by the Judge in charge of Accounts, and to be preserved for ever.)

Date of receipt.	Annual consecutive No. of each deposit.	No. of chalan.	From whom received.	Nature of deposit, with name of payee.	Amount of each deposit.	Initials of Judge in charge, or Local Officer.	Monthly.	DETAILS OF REPAYMENT.													
								Date.	Amount of each repayment.	Initials of Judge in charge, or Local Officer.	Date.	Amount of each repayment.	Initials of Judge in charge, or Local Officer.	Date.	Amount of each repayment.	Initials of Judge in charge, or Local Officer.	Date.	Amount of each repayment.	Initials of Judge in charge, or Local Officer.	Total repayment.	Balance carried to Account Particulars.

N.B.—A separate Register in this form will be maintained for each of the two classes of Judicial deposits A and B. Each entry in this Register should be initialled by the Judge after comparison with the corresponding entries in the Register of Chalans issued. This form should be used for two years only, after which the unpaid balances should be transferred to the statement of "Account Particulars," as required by Rule 91 of the Rules of Account for Judicial Officers.

6 A and 6 B.—*Court's Daily Register of Judicial Deposits repaid at the Treasury of* *or repaid at the Court and advised to the Treasury during the month of* *189* .

(To be maintained by the Judge in charge of Accounts, and to be preserved for 12 years.)

PART I.—A DEPOSITS.* PART II.—B DEPOSITS.*

DETAILS OF DEPOSITS.			DATES AS TO PRESENT REPAYMENT.					AMOUNT REPAID ON ACCOUNT OF DEPOSITS EXCEEDING R5 EACH.			INITIALS OF†		
Date of receipt.	No. as per Register of Receipts.	Amount or Balance of Deposit.	Date of cashing payment order whether at Court or at Treasury.	Date of granting payment order as per Court's Register.	No. of repayment voucher.	To whom repaid.	Whether paid in Cash or by Transfer.	Received in previous month.	Received in current month.	Amount repaid on account of deposits of R5 and less.	Accountant.	Judge in charge.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13	14

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* Separate Registers must be maintained for each of these classes of deposits.

Each entry in this Register should be compared with the corresponding entry in the Register of Payment Orders.

† This column is not required to be filled up in the copy sent to Accountant-General.

7.—*District Judge's Daily Register of Deposits advised as having been received and repaid under orders of the Subordinate Courts.*

(To be maintained by the District Judge, and to be preserved for 12 years.)

Date of actual receipt or repayment as advised.	DEPOSITS EXCEEDING IN AMOUNT R5 EACH.				DEPOSITS OF R5 AND UNDER.			
	Total amount received.	Repaid on account of previous months.	Repaid on account of current month. A.	Total amount repaid.	Amount received.	Amount repaid.	Daily Balance B.	Initials of District Judge.

N. B.—The column marked A should be proved monthly by comparing the difference between it and the column "Total amount received" with the statement of outstanding deposits mentioned in Rule 85. The column marked B should be tested by comparing the balance on the last date of each official year with the list of unpaid deposits mentioned in Rule 95.

8.—*Account Particulars of A Deposits received at Treasury in 189 , still outstanding on 1st April 189 .*

(To be maintained by the Judge in charge of Accounts, and to be preserved for ever.)

Date.	No. of each deposit.	Name of person from whom received.	Nature of each deposit.	Balance of each deposit.	DETAILS OF REPAYMENTS (TO BE POSTED IN THE ACCOUNTANT-GENERAL'S OFFICE.																Total Repayments on each deposit.	Balance of each deposit lapsed and credited to Government.
					IN THE 2ND YEAR AFTER RECEIPT.								IN THE 3RD YEAR AFTER RECEIPT.									
					First quarter.	Amount.	Second quarter.	Amount.	Third quarter.	Amount.	Fourth quarter.	Amount.	First quarter.	Amount.	Second quarter.	Amount.	Third quarter.	Amount.	Fourth quarter	Amount.		
			Brought forward.																			
					April May June		July Aug. Sept.		Oct. Nov. Dec.		Jan. Feb. Mar.		April May June		July Aug. Sept.		Oct. Nov. Dec.		Jan. Feb. Mar.			
					April May June		July Aug. Sept.		Oct. Nov. Dec.		Jan. Feb. Mar.		April May June		July Aug. Sept.		Oct. Nov. Dec.		Jan. Feb. Mar.			
					April May June		July Aug. Sept.		Oct. Nov. Dec.		Jan. Feb. Mar.		April May June		July Aug. Sept.		Oct. Nov. Dec.		Jan. Feb. Mar.			
					April May June		July Aug. Sept.		Oct. Nov. Dec.		Jan. Feb. Mar.		April May June		July Aug. Sept.		Oct. Nov. Dec.		Jan Feb. Mar.			

9.—*Register of Fines and Forfeitures realized in the Court of the of during the month of 189 .*

(To be maintained by the Judge in charge of Accounts, and to be preserved for 12 years.)

Consecutive No. of entry in the Register.	Date of realization.	No. of chalan.	Date of remittance to Treasury.	Date of order imposing the fine.	Court by which imposed.	Name of offender.	Nature of offence.	Amount. (A).	Initials of the Judge in charge.	Details of any refunds.	Initials of Judge in charge.	REMARKS.

N.B.—This form should also be used for stamp fines and penalties.

(A)—This column should be compared daily with the corresponding entries in the Register of Chalans.

10.—*Register of Stamp Duty and Penalties realized in the Court of the of during the month of 189 .*

(To be maintained by the Judge in charge of Accounts, and to be preserved for 12 years.)

1	2	3	4	5	6	7	8	9	10			11			12			13	14
Consecutive No. of entry in the Register.	Date of realization.	No. of chalan.	Date of remittance to Treasury.	Court by which order is passed, and date of order.	Suit.		Name of party paying the duty and penalty.	Description of instrument, and date of execution.	Amount of duty levied.			Amount of penalty levied.			Total.			Initials of the Judge in charge.	Remarks.
					Number.	Title.			R	a.	p.	R	a	p	R	a.	p.		

These columns should be compared daily with the corresponding entries in the Register of Chalans.

11.—Register of the Refund of the Value of the Court-fee Stamps.

(To be maintained by the Judge in charge of Accounts, and to be preserved for 12 years.)

Date of cashing order fo refund, whether at the Court or at the Treasury.	Date of granting order of refund as per Court's Register.	No. of re-payment voucher.	To whom repaid.	No. of suit or appeal in which refund was ordered, and names of parties.	Amount refunded.	INITIALS OF	
						Accountant.	Judge in charge.

12.—Register of Miscellaneous Receipts in the Court of the during the month of 189 .

(To be maintained by the Judge in charge of Accounts, and to be preserved for 12 years.)

Consecutive No. in the Register.	Date of realization.	No. of chalans.	Date of remittance to Treasury.	From whom received.	DETAILED HEADS.							Total amount realized daily.	Initials of Judge in charge.	REMARKS.
					Sale-proceeds of the unclaimed property of intestates and others, credited to Government.	Forfeiture of earnest money.	Office receipts (sale of old furniture, &c.).			Petty receipts.	Miscellaneous items.			

N.B.—This Register should be compared daily with the corresponding entries in the Register of Chalans.

13.—*Treasury Pass Book.*

(To be maintained by the Judge in charge of Accounts, and to be preserved for 12 years.)

The Court of *in account-current with the Treasury.*

(Payments and Remittances from Courts.)

DR. CR.

Date of payment.	Court's No. of payment order.	Court's particulars of each payment to public or of remittance at the day's close to the Treasury.	Head of account under which to be scheduled at Treasury.	Amount.	Signature or initials of Treasury Officer.	Date of Receipt.	Court's No. of entry in chalan.	Court's particulars of receipt.	Head of account under which to be scheduled at Treasury.	Amount.	Signature or initials of Treasury Officer.
1	2	3	4	5	6	7	8	9	10	11	12
		TOTAL .						TOTAL .			
		Total for the day as per Receipt side.						Total for the day as per Payment side			

14.—*Register of Intestate Property received in custody by the Nazir of the District Court of* .

(To be maintained by the Judge in charge of Accounts, and to be preserved for 12 years.)

Consecutive No.	Name, village, caste, and presumed age of the deceased.	Date of death.	Date on which the property was received.	Particulars of property.	Estimated value of the same.	Cash.	Date of sale.	Date on which the cash received with property is credited in General Cash Account, with page thereof.		Date of proclamation.	AMOUNT OF PROCEEDS REALIZED BY THE SALE OF GOODS, OR OF MONEY RECOVERED ON BONDS, OR RENTS, OR OTHER INCOME.		Date on which the sale-proceeds, for other money recovered, were credited in General Cash Account, with page thereof.		Total of columns 7 and 13.	CHARGE TO BE DEDUCTED.			BALANCE HOW DISPOSED OF BEING AMOUNT OF COLUMN 16 LESS COLUMN 19.				Date of final disposal, and page of General Cash Book.	
											Description of goods.	Value realized.				Detail.	Amount.	TOTAL.	Particulars.	Property and value paid to heirs or other persons.	Paid into the public Treasury.	TOTAL.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25
					R a. p.	R a. p.		D.	P.			R a. p.	D.	P.	R a. p.		R a. p.	R a. p.		R a. p.	R a. p.	R a. p.	D.	P.

15.—*General Cash Book of the* *Court of* *for the* *day of the month* *of* *189* .

(To be maintained by the Judge in charge of Accounts, and to be preserved for 12 years.)

DR. CR.

No. of		From whom received.	On what account.	AMOUNT RECEIVED.		No. of payment order.	To whom paid.	Amount.
Chalan.	Payment slip.			Petty receipts.	Other receipts.			

16.—*Peremptory Cash Book of the Court*

(To be maintained by the Judge in charge of

Dr.

Serial No. of Deposit.	From whom received.	Particulars.	On account of						Total.	Date of repayment.
			Witnesses' expenses.	Prisoners' diet.	Amins' travelling allowance.					

of *for the* *day of the month of* *189* .

Accounts, and to be preserved for 12 years.)

CR.

To whom paid.	Particulars.	Serial No. of deposit.	ON ACCOUNT OF						TOTAL.	Signature of payee.
			Witnesses' expenses.	Prisoners' diet.	Amins' travelling allowance.					

Amended by C. O. No. 10 of 11th October 1889.

17.—*Acquittance Roll of the Establishment under the*

(To be maintained by the Judge in charge of

No. and date of order sanctioning the establishment.	Age on first appointment.	Name.	Rank.	Monthly salary.	MARCH.		APRIL.		MAY.		JUNE.		JULY.	
					Amount.	Receipt.	Amount.	Receipt.	Amount.	Receipt.	Amount.	Receipt.	Amount.	Receipt.

N.B.—A Receipt Stamp should be affixed in *of* *for the year 189* .

Accounts, and to be preserved for 25 years.)

AUGUST.		SEPTEMBER.		OCTOBER.		NOVEMBER.		DECEMBER.		JANUARY.		FEBRUARY.		REMARKS.
Amount.	Receipt.	Amount.	Receipt.	Amount.	Receipt.	Amount.	Receipt.	Amount.	Receipt.	Amount.	Receipt.	Amount.	Receipt.	

the receipt column for all sums above R20.

18.—Register of Contract Contingent Charges of the

(To be maintained by the Judge in charge

REGISTERS.—A separate Register must be maintained for each Department on
opened with the allotment on 1st April, the blank money columns being filled in with such
TION.—The kinds of payments to be recorded under each head are detailed in Appendix
account on which it is made. PERMANENT ADVANCE.—The permanent advance must
transferred in the course of the month. CONTRACT CONTINGENT BILL.—When it becomes
with the exception of the entries in column "Utilization of savings," only the totals of
contingent bill. The nature of each payment recorded in column "Utilization of
be a separate annual series of numbers given to the bills drawn against each allotment.
drawing officer is held personally liable; and that unless he can procure exemption
TIONS IN ALLOTMENT.—Each increase or decrease should be entered in the columns
tionery allowances of Civil Courts should be made at the time the first bill in a month is
maintained and watched by drawing officer.

Date	To whom paid.	Description of charge.	No. of sub-voucher.	No. given to each contract bill.	Hot and cold weather charges.	Tour charges.	Country stationery.	Repairs to tents.	Purchase and repair of furniture.	Office expenses.	Miscellaneous.	Keep of elephants.	Service Postage Stamps.	Service Telegrams.

Department, District of for 189 .

of Accounts, and to be preserved for 12 years.)

account of which there is a separate allotment for contract contingencies. It should be
headings as are peculiar to the Department in addition to those printed.—CLASSIFICA-
B to Accountant-General's circulars. Expenditure must be shown as incurred on the
be recouped on the last working day of each month, as also when the charge of office is
necessary to draw money from the Treasury, the several columns should be totalled, and
each of the columns should be posted against the printed headings in the contract
savings" should be described in the contingent bill. NUMBERING BILLS.—There should
ALLOTMENT. It must be distinctly borne in mind that for any excess over allotment the
from Government the amount will be recovered from his personal allowances. VARIA-
provided therefor immediately it is known. The monthly additions on account of sta-
being drawn up. It is of great importance that this part of the Register be carefully

			Utilization of savings.	Total of present bill.	Total of all bills drawn up to date.	Allotment on 1st April and thereafter. Allotment as per bill last presented, column 4.	Add.	Deduct.	Net allotment at time of present bill.	EXPLANATION OF EACH ADDITION AND DEDUCTION IN COLS. 2 & 3.						
										Transfer from	Transfer to	Controlling Officer's No. and date.	MONTHLY INCREASE ON ACCOUNT OF STATIONERY ALLOTMENT OF			Other causes.
													Number of Subordinate Judges at R15.	Number of Small Cause Court Judges at R15.	Number of Munsifs at R12.	
						1	2	3	4							

19.—Register of Contingent Charges of the

(To be maintained by the Judge in charge

Classification.—For heads to be opened by each Drawing Officer, and for kinds
be shown as incurred on the account on which it is made. Budget provision existing
Register and preparing Abstract and Detailed Contingent Bills.—The prin
bills prepared, is laid down in Code. Chapter 5 : 5 to 15. **Responsibility.**—The obli-
charges, and when the register is sent up with an abstract, initialing the date of each
vance *must be recouped* on the last working day of each month, as also when the charge
responsibility for the permanent advance must be sent to Accountant-General on trans
The month of charge quoted in abstract and detailed bills must be the month in which
month is merely an aggregation of the sums drawn from the *Treasury during the*
chases, &c., must be paid for at once. The discharge of liabilities may not be deferred,
posting the amount of inter-departmental receipts in Contingent Register *after the total*
Closing Register for the month.—At the end of a month the Register should be
month's inter-departmental debits : 3 Add total cash payments and inter-departmental
ments.—A disallowance must, without fail, be refunded by short drawal on the first
Excess Drawings should be refunded by short drawal on subsequent abstract bill, or
abstract on which the amount was drawn should be quoted. **Details Bills** must be
relate. Circular 325. **Sanction.**—Budget provision does not warrant special and
2. Sanctions not acted on for a year become void.

	To whom paid. Budget grant for each detailed head.	No. of Sub-Voucher.											
	Total carried forward .												

Department of the District of *for 189* .

of Accounts, and to be preserved for 12 years.)

of payments falling under each of those heads, see Circular 33. Expenditure must
or not has nothing to do with determining the classification of a charge. **Posting**
ciple on which the expenditure is to be posted in the Register, and abstract and detailed
gations imposed in Rules 7 and 8 on Officers signing bills in respect of initialing unusual
payment, should be scrupulously fulfilled.—**Permanent Advance.**—The permanent ad-
of office is transferred in the course of the month, Rule 9. Acknowledgment of personal
fer of charge and on first working day after 31st March, Rule 4. **Month of Charge.**—
the charges are paid *from the Treasury*, Rule 13. As the detailed contingent bill of a
month, the total of the former should be the sum of the abstracts. **Payment.**—Pur-
Rule 2 and chapter 9 : 9. **Inter-Departmental Transactions.**—Rule 21, regarding
of the month's cash transaction has been struck, should be carefully carried out
completed, thus : 1 Total cash payments of the month : 2 Add amount of current
debits to end of last month : 4 Grand total expenditure to date, Rule 114. **Retrench-**
abstract presented after receipt of disallowance order, Rule 20. **Unnecessary or**
in cash. In both cases the original detailed head of charge, and the total and date of the
submitted for counter signature *by* the 15th of the month following that to which they
unusual expenditure. For rules regarding authority for contingent expenditure see Rule

				UNUSUAL CHARGES.		Total of each contingent abstract.	Total of each month's bill.	Date of despatch of detailed bill.	Date of recovery of disallowance, and No. and date of countersigning Officer's letter, admitting a disallowed item.	REMARKS. (Amount disallowed &c.)
				Description.	Amount.					

20.—*Sale Account.*

(To be maintained by the Judge in charge of Accounts, and to be preserved for 12 years.)

No. of Lot.	Amount of last bid or at which the lot is knocked down.	Name of purchaser.	Amount of earnest-money.	Date of remittance to Treasury as per Pass-Book or Advice.	Amount of purchase-money.	Date of Payment into Treasury as per Advice or Pass-Book.	REMARKS.

21.—Register of Receipts on account of Civil Court Amins, District of .

(To be maintained by all Civil Courts, and to be preserved for three years.)

Date.	Court.	Nature of employment.	Amin employed.	Time occupied.	Amount.			REMARKS.
1	2	3	4	5	6			7
					R	*a.*	*p.*	

22.—*Register of Expenditure on account of Civil Court Amins, District of*

(To be maintained by all Civil Courts, and to be preserved for three years.)

Date.	Nature of Expenditure.	Amount.			REMARKS.
		R	*a.*	*p.*	

23.—Daily Register of Court-fees realized in the Court of the at .

(To be maintained by all Civil Courts, and to be preserved for three years.)

Serial No. of Document.	PROCESS FEES.				Fees for administering affidavits.		Amount realized under Act VII of 1870, Schedule I, Articles 1 to 9 inclusive.		Amount realized under the same Schedule, Nos. 10 to 12.		Amount realized under Schedule II.		Total.		REMARKS.
	Fees for employment of Amins.		Other fees.												
1	2		3		4		5		6		7		8		9
	R	*a.*	*R*	*a.*	*R*	*a.*	*R*	*a.*	*R*	*a.*	*R*	*a.*	*R*	*a.*	

INSTRUCTIONS :—This Register is meant to shew in detail every document filed bearing Court-fee Stamps, except certified copies, the stamps on which should be entered in the Register of the Court or Office which issues them. At the time the stamps are first punched, a serial number should be entered on every document (including certified copies issued) immediately below the stamps, and in column 1 of this Register; in the remaining columns of which will be entered the amount of the Fees of each kind realized on the document. The entries in this Register will be totalled daily and the results entered in the "Daily Abstract Register."

24.—*Daily Abstract Register of Court-fees realized in the Court of the*

(To be maintained by all Civil Courts, and to be preserved for three years.)

Date.	PROCESS FEES.				Fees for administering affidavits.		Amount realized under Act VII of 1870, Schedule I, Articles 1 to 9 inclusive.		Amount realized under the same Schedule Nos. 10 to 12.		Amount realized under Schedule II.		TOTAL.		REMARKS.
	Fees for employment of Amins.		Other fees.												
1	2		3		4		5		6		7		8		9
	R	*a.*	*R*	*a.*	*R*	*a.*	*R*	*a.*	*R*	*a.*	*R*	*a.*	*R*	*a.*	

INSTRUCTIONS:—This Register is intended to shew the daily totals abstracted from the detailed "Daily Register of Court-fee Stamps," and should be totalled monthly. The entries must be initalled daily by the Presiding officer.

Periodical Returns and Statements.

2. [*General Instructions as to the preparation of Periodical Statements—C. O. No. 29 of 21st August 1879.*]—(*a*) The forms of Periodical Statements entered in the list hereinafter following* are prescribed for adoption by the Civil Courts shown against each. On the forms themselves some instructions for observance will be found, and the following general instructions are also issued in order to secure the correct and uniform preparation of these Statements.

(*b*) When possible printed forms should be used for the preparation of Periodical Statements. The practice of extending the printed forms by pasting sheets of paper on to them should be avoided. As many separate printed forms as may be necessary to contain the information required should be used.

For reports, and for explanations where these have to be separately written, foolscap paper should be used.

When a statement is blank it should not be submitted, a note to that effect being sufficient.

(*c*) Where the figures given in any return differ from those given in any returns previously submitted, explanation should always be given in order to avoid the necessity for a reference in the matter. Much correspondence will also be rendered unnecessary if, before submission, figures entered in the Annual Statements are compared with those in the Court's printed report for the previous year.

(*d*) Officers having work in more departments than one should always note in their returns how their time was apportioned between the various departments. This is necessary to enable the Court to judge whether the work done is sufficient, and to admit of the officer's salary being correctly apportioned in the annual returns between the various departments.

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* *Vide* pp. 296 to 299.

(*e*) Monthly and Quarterly Statements should be despatched by Subordinate Courts to the District Judge on or before the 5th of the month next succeeding the period to which they relate, and Annual Statements on or before the 30th day of the new year.

(*f*) Quarterly and Half-yearly Statements should be submitted by District Judges to the High Court on or before the 15th of the month next succeeding the period to which they relate; and Annual Statements, along with the Annual Report on the administration of Civil Justice, on or before the 15th February of each year. The punctual despatch of correct statements is an important duty, the neglect of which will not be overlooked by the Court. The Periodical Statements have now been brought into accordance with each other as far as possible; and if due attention is given during the course of the year to the collecting of materials for the Annual Statements, the delay of which the Judges have had so frequently to complain, should not occur in the preparation of these returns in a correct form.

(*g*) *The High Court insist especially on the punctual submission of the Annual Statements and Annual Report. Owing to the extreme delay and inconvenience which have constantly resulted from the remissness of District Officers in not submitting these returns in due time, and from the carelessness and inaccuracy which have necessitated frequent references before correct figures could ultimately be obtained from some Districts, the High Court are compelled to state distinctly that any Officer who may in future fail to comply with these orders will be reported to Government, in order that some serious notice may be taken of his conduct.

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* This clause was inserted by Rule No. 30 of 12th December 1881.

(*h*) In he Periodical Returns submitted to the Court by District Judges the returns of all Subordinate Courts, including Small Cause Courts, as well as those of Additional Judges, should be incorporated. The information regarding Revenue Courts required for the annual statements will, under the orders of the Government, be supplied to District Judges by District Collectors.

(*i*) Except where specially provided, the returns are meant to show separately the work of each Court, and not the work of each Officer who may have presided during the year in the same Court. Officers' names need not therefore be given. Where a Small Cause Court Judge presides over more than one Court the returns must show distinctly the work of each Court unless the figures required are mere totals for the "class of Court."

(*j*) A case is not said to be received or disposed of by transfer except when it is passed from one Court to another by an order. Cases which have been left by the Presiding Officer to his successor in the same Court are not to be treated as transferred. Where, through mistake or otherwise, a case has to be transferred from one file to another in the same Court, the column "Pending" must be corrected, and explanation given in the next return.

(*k*) The date of the transfer of a case by one Court is ordinarily to be taken as the date of its receipt on transfer by another; any instances of unusual delay should be noticed in the explanations. Where in the general statement compiled for any district the total of the column "Received by transfer" differs from that of the column "Disposed of by transfer," the reason should be explained, and any cases transferred from or to other Provinces should be noted particularly, as the information is required in the preparation of the Court's general returns.

(*l*) Applications under Section 223 of Act XIV of 1882, for the transfer of decrees to other Courts for execution, are not applications for execution, and, whether granted or refused, should not appear in the returns at all. If a decree be transferred for execution by a superior Court to a subordinate Court of its own motion, after an application for execution under Section 230 has been filed, and execution ordered under Section 245, that application should be shown as disposed of and received by transfer. In any other case the receiving Court is not to make any entry in its returns until it receives from the creditor an application for execution under that Section. If after proceedings have been commenced in any Court, or an application for execution, the creditor makes an application for transfer to a Court not subordinate, and the Court complies with it under clauses (*a*) to (*d*) of Section 223, the case pending in the transferring Court shall be returned as disposed of by transfer, when satisfaction of the decree has not been obtained at all on the application for execution; and as disposed of on its merits, when part satisfaction has been obtained: but, as directed above, it is not to be noticed in the receiving Court's returns as received by transfer.

(*m*) Apart from a few specified classes of cases entered in the non-judicial miscellaneous statement, all the returns refer to judicial work only. Care must be taken in particular to enter none but judicial work under the head "Revenue Courts" in the Annual Statements. In the Lower Provinces of Bengal there will ordinarily be no entries under this head except in districts where rent suits are still tried in the Revenue Courts.

(*n*) For the purposes of the Periodical Statements suits and appeals from decrees are divided into three classes :—

I.—Suits for money and moveables, and appeals in the same;
II.—Suits and appeals under the Rent Law; and
III.—Title and other suits, and appeals in the same.

The details of this classification, which must be strictly adhered to throughout the returns, will be found in Annual Statement No. 2.

(*o*[1]) *C. O. No. 8, dated 12th June 1889.*—Where an officer has been appointed by the Local Government under Section 108 of the Bengal Tenancy Act (VIII of 1885) to be a Special Judge for the purpose of hearing appeals from the decisions of Revenue Officers under Chapter X of that Act, the work done by him in the exercise of those special powers should be shown in Quarterly Statement D and in Annual Statement 5, Part I, bracketed with that done under his ordinary powers.

(*p*) Suits for money, &c., are again sub-divided according as they are dealt with under the Small Cause Court procedure, or under the ordinary procedure. Where an officer has the powers of a Small Cause Court Judge the work done by him in the exercise of these powers should be shown bracketed with that done under his ordinary powers, and a similar plan must be followed where a Small Cause Court Judge has the powers of a Subordinate Judge.

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[1] Inserted by C. O. No. 8, dated the 12th June 1889.

(*q*) Under the head "Miscellaneous (non-judicial)" cases, information is required in the returns regarding only a few specified heads, *viz.* :—

Applications by tenants to deposit rent under Sections 61 & 62 of the Bengal Tenancy Act, VIII of 1885.

Applications by distrainers for aid in making distraints under Section 121 of the same Act.

Applications for the service of Notice of surrender of holdings under Section 86 of the same Act.[1]

Applications for the service of Notices of execution by non-occupancy ryots of agreements to pay enhanced rent under Section 46 of the same Act.[1]

Applications for service of notices of transfer of occupancy holdings under Section 73 of the same Act.[1]

(*r*) Separate statements being provided to show applications for the execution of decrees these will not be included under the head "Miscellaneous (judicial)" cases, and it is intended that such other cases only as require a judicial enquiry or order should be included. The following list shows the cases which are to be entered[2] under this head, and without the special orders of the High Court, no addition may be made to such list, *viz.* :—

Orders rejecting plaints.[3]

Applications under Sections 22 and 25 to Act XIV of 1882, to an Appellate Court to transfer a suit pending in a Subordinate Court.

Applications under Sections 99, 103, 108, 558, and 560 of Act XIV of 1882 for the restoration to the file of a suit or appeal dismissed on default, or decreed *ex parte*.

Cases under Section 244 of Act XIV of 1882.

Claims to, and objections to the attachment of attached property under Sections 278 and 487 of Act XIV of 1882.

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[1] Substituted by Rule No. 10, dated the 13th September 1886.

[2] Applications under Sections 311 and 313 to set aside a sale in execution of a decree are to be treated as part of the execution case, and not entered as separate miscellaneous cases.—(*C. O. No. 3 of 7th January 1880.*)

[3] Added by C. O. No. 20 of 28th April 1880.

Complaints by decree-holders or purchasers under Sections 328 and 334 of Act XIV of 1882 of resistance to possession being given, except when, in case of obstruction by a claimant in good faith, the case is under Section 331 to be registered as a suit.

Enquiries under Section 258 of Act XIV of 1882, on the application of judgment-debtors, as to payments or adjustments alleged to have been made.

Applications under Section 332 of Act XIV of 1882.[1]

Enquiries under Section 335 of Act XIV of 1882.[2]

Applications, under Section 344 of Act XIV of 1882, to be declared an insolvent.

Commissions, under Section 386 of Act XIV of 1882, for the examination of witnesses, received from other Courts and executed by the Court.

Applications, under Sections 401 and 592 of Act XIV of 1882, for permission to sue or appeal as a pauper.

Applications, under Section 623 of Act XIV of 1882, for review of judgment.

Miscellaneous criminal proceedings under Section 174 of Act XIV of 1882 and Sections 480, 476, and 478 of Act X of 1882.

Cases under Section 14, Act XVIII of 1879 (The Legal Practitioners' Act).

Cases regarding the property of Intestates under Section 7 of Regulation V of 1799, in which a claimant appears.

Cases regarding redemption and foreclosure of mortgages under Section 83 of Act IV of 1882.[3]

Applications under Act XIX of 1841.

Applications for certificates of guardianship of minors, or of administration of their property under Act VIII of 1890, or for the revocation of such certificates.

Applications regarding the care of lunatics' estates, and the guardianship of their persons, under Act XXXV of 1858.

Applications under Section 31 of Act VIII of 1890, or under Section 14 of Act XXXV of 1858, for sanction to the sale, &c., of the property of minors[4] or lunatics.

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[1] Under the amended provisions of the Code of Civil Procedure applications under Section 332 are no longer to be registered as suits. They should accordingly be treated as miscellaneous cases.—(*C. O. No. 3 of 7th January 1880.*)

[2] Added by C. O. No. 3 of 14th March 1891.

[3] Amended by C. O. No. 15 of 29th June 1882.

[4] Added by C. O. No. 20 of 28th April 1880.

Applications for certificates under Act VII of 1889.[1]

Applications for probates and letters of administration under Act X of 1865 and V of 1881,[2] except contested cases, which must be transferred to the head of Suits ; and applications for the revocation of such probates or letters.[3]

Cases under Parts III and IV of Act X of 1870 (The Land Acquisition Act)

Cases under Section 59 of Act VII (B. C.) of 1876 (The Land Registration Act).

Cases under Sections 91, 93, 98 (8), 99, 158, and 169 of Act VIII of 1885 (The Bengal Tenancy Act).[4]"—

(*s*) Cases under Act XX of 1863 and under Sections 331, 470, 523, 525, 529, and 539 of Act XIV of 1882 are to be registered as suits, and must be entered as such in the returns :—

(*t*) The following are classed as miscellaneous appeals.

Appeals from orders under Section 588 of Act XIV of 1882.

Appeals in miscellaneous judicial cases.

(*u*) In order to obtain the average duration of cases, the aggregate number of days for which all cases were pending before the Court must be divided by the total number of such cases.

(*v*)[5] As regards *Suits*, the date of the presentation of the plaint shall be considered as the date of institution, unless some defect or omission requires to be amended before the plaint can be admitted, in which case the date of admission, after amendment, shall be regarded as the date of institution. With regard to *Applications to execute Decrees* the date of their presentation should alone be considered. The practice of calling for a report from the Amla in charge of the department before allowing execution to proceed should never, save in very exceptional cases, be resorted to.

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[1] Substituted by C. O. No. 1 of 9th January 1890.

[2] Amended by Rule No. 10 of 18th May 1881.

[3] Added by Rule No. 2 of 23rd February 1884.

[4] Added by Rule No. 3, dated the 18th June 1888, and Rule 16 of the 6th November 1890.

[5] This clause was added by Rule No. 25 of 7th September 1881.

(*w*) When an order has been made under Section 566 or Section 568 of Act XIV of 1882 the case is to be considered as pending before the Appellate Court, and the time occupied in making the return called for, or in taking the evidence, must be counted as time occupied in the appeal.

(*x*) When an order of remand is made under Section 562 of Act XIV of 1882 the case must be treated as decided by the Appellate Court, and must be brought on the file of the Lower Court.

(*y*) Separate accounts must be kept of the time cases, whether suits or appeals, were pending (1) from institution to original or first decision; (2) from date of application for review to date of finally disposing of the case, whether the review shall have been granted or refused; (3) from the date of the order of remand under Section 562 of Act XIV of 1882 to the date of the new decision under such order. In Annual Statements Nos. 4 and 5 it will be necessary to give only the average duration before the original or first decision of a suit or appeal. Details regarding cases in later stages should be entered in the Tabular Statements prescribed for the purpose.

3. [*List of Forms of Periodical Statements prescribed for use by the Civil Courts—C. O. No. 29 of 21st August 1879.*]

Index Nos. of Forms.	Subject of Statements.	By what Courts to be prepared and submitted.	To what Courts to be submitted.	REMARKS.
		MONTHLY AND QUARTERLY.		
1	Original Suits . .	Munsifs, Subordinate Judges, and Small Cause Court Judges.	District Judges.	In the returns for the first and second months of each quarter monthly figures must be given; and in those for the third month the figures for the whole quarter.
2	Miscellaneous Original Cases (Judicial).			
3	Execution of Decrees			
4	Miscellaneous Original Cases (Non-Judicial.			
5	Appeals . . .	Subordinate Judges .	Ditto .	This will be submitted only by such Subordinate Judges, if any, as may be employed in trying such appeals.
6	Miscellaneous Appeals.			
7	Small Cause Court Diary.	Small Cause Court Judges.	Ditto .	
		QUARTERLY.		
29	Applications to set side *ex parte* judgment or judgments in default.	Munsifs, Subordinate Judges, and Small Cause Court Judges.	District Judges.	
8	Original Suits . .	Additional Judges . District Judges .	Ditto. High Court.	
9	Execution of Decrees and Miscellaneous Original Cases.			
10	Miscellaneous Cases (Non-Judicial).			
11	Appeals . . .			
12	Miscellaneous cases before Appellate Courts.			

Index Nos. of Forms.	Subject of Statements.	By what Courts to be prepared and submitted.	To what Courts to be submitted.	REMARKS.
		QUARTERLY—*contd.*		
13	Commissions issued for the Examination of Witnesses.	Munsifs, Subordinate Judges, Small Cause Court Judges, and Additional Judges. District Judges .	District Judges. High Court.	
14[1]	Probates and Letters of Administration—Act V, 1881.	District Judges . .	High Court.	
15	Pauper suits decided and stamp duty leviable.	Munsifs, Subordinate Judges, Small Cause Court Judges, and Additional Judges. District Judges .	District Judges. Collectors of Districts.	
		HALF-YEARLY AND ANNUALLY.		
16[2]	Proceedings in Insolvency (*Vide Annual Statement No. 7*).	Courts, if any, empowered under section 360 of the Civil Procedure Code. District Judges .	District Judges. High Court.	The return for the first half-year will contain the figures for that period only. The second half-yearly return will contain the figures for the whole year.
		ANNUALLY (CALENDAR YEAR).		
17	Receipts and Charges of Civil Courts, &c.	All Civil Courts . District Collectors . District Judges .	District Courts. High Court.	
18	Original Suits, classified.	All Civil Courts of Original Jurisdiction and District Collectors. District Judges .	District Judges. High Court.	
19	Ditto, valued .			
20	Business of Civil Courts of Original Jurisdiction. Part I, suits .			
21	Business of Civil Courts of Original Jurisdiction. Part II, miscellaneous cases.			
24	Execution of Decrees			

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[1] Added by C. O. No. 8 of 16th May 1881.

[2] Form No. 16 has been struck out and the present form of Annual Statement No. 7 substituted by C. O. No. 3 of 7th January 1880.

ANNUALLY (CALENDAR YEAR)—*contd.*

Index Nos. of Forms.	Subject of Statements.	By what Courts to be prepared and submitted.	To what Courts to be submitted.	REMARKS.
22 23	Business of Appellate Courts. Part I, Appeals from Decrees Part II, Miscellaneous Appeals	Subordinate and Additional Judges and District Collectors.	District Courts.	
		District Judges .	High Court.	
25	Employment of Jurors and Assessors.	Additional Judges .	District Judges.	
		District Judges .	High Court.	
29	Applications to set aside *ex-parte* judgments or judgments in default.	Munsifs Subordinate Judges, and Small Cause Court Judges.	District Judges.	
		District Judges .	High Court	To accompany the Annual Report.
37	Suits and Appeals, class and value.	Munsifs, Subordinate Judges, Small Cause Court Judges, and Additional Judges.	District Judges.	
39	Average Duration of Suits.	District Judges .	High Court	*Ditto ditto.*
40	Average of Appeals .	Subordinate and Additional Judges	District Judges.	
		District Judges . .	High Court	To accompany the Annual Report.
43	Cost of Local Inquiries.	Munsifs, Subordinate Judges, Small Cause Court Judges, and Additional Judges.	District Judges.	
		District Judges .	High Court.	
44	Return of Immovable Property.	Uncovenanted Judicial Officers.	To High Court through District Judges.	*Ditto ditto.*

ANNUALLY (FINANCIAL YEAR).

41	Probates, Letters of Administration, and Certificates.	District Judges . .	High Court	

Index Nos. of Forms.	Subject of Statements.	By what Courts to be prepared and submitted.	To what Courts to be submitted.	REMARKS.
	ANNUALLY (FINANCIAL YEAR)—*contd.*			
42	Receipts and Disbursements on account of Amins.	Munsifs, Subordinate Judges, Small Cause Court Judges, and Additional Judges.	District Judges.	These returns are to be submitted on or before the 15th May of each year (*G. L. No. 6 of 7th May 1880*).
		District Judges	High Court	
45	Tenures sold by order of the Civil Courts.	Munsifs, Subordinate and Additional Judges.	District Judges.	
		District Judges	High Court.	
	ANNUALLY (CALENDAR YEAR).			
26	Suits instituted, disposed of, and pending during two years.	District Judges	High Court	These Tables are to be incorporated by District Judges in their Annual Reports.
27	Suits, class and value			
28	Manner of disposal of Suits of each class.			
30	Execution of Decrees and amount realized.			
31	Miscellaneous Cases (Judicial) instituted, disposed of, and pending.			
32	*Ditto ditto* (Non-Judicial).			
33	Appeals in Regular Suits.			
34	Appeals and ratio of Appeals to Decisions affirmed.			
35	Appeals, number and value.			
36	Manner of disposal of Appeals of each class.			
38	Miscellaneous Appeals instituted, disposed of, and pending.			

4. [*No statement to be discontinued except by order—G. L. No. 5 of 9th March 1877.*]—No statement in use by authority of the High Court may be discontinued without an express order of such Court.

Monthly Statements.

5. [*Instructions regarding Monthly Statements—C. O. No. 29 of 21st August 1879.*]—(*a*) The Subordinate Courts shall submit to the District Judge Monthly Statements, those for the first and second months of the quarter giving the figures for these months respectively, and those for the third month giving the figures for the whole quarter in the same forms.

(*b*) These forms have been framed exactly according to the corresponding forms of the Annual Statements, and it is intended that in the Statement of each month or quarter the total figures for the previous months or quarters of the year shall be brought forward and added, so that the returns for December shall give the total figures for the whole year.

(*c*) The forms of Quarterly Statements to be submitted to the High Court by the District Judge differ from the above in that they contain less detail, and the necessary entries must therefore be compiled in the District Judge's office.

(*d*) District Judges are expected carefully to examine the Monthly Statements submitted by the Subordinate Courts, and to satisfy themselves that the business of those Courts is transacted with due despatch, and that cases receive personal attention in execution as well as before decree.

(*e*) Explanations of the delay in the disposal of suits shall be submitted quarterly to the District Judge by the

Subordinate Courts. These explanations are required, in cases dealt with under the Small Cause Court procedure, when a suit has been pending for more than six weeks, or a decree has been for more than three months under execution. In the case of all other classes of suits and of miscellaneous cases and of appeals, explanations are required when the cases have been pending more than six months; but in the case of rent suits District Judges must make enquiry if the number entered as pending more than three months is unusually great.

No. 1.

A.

Monthly Statement showing the general result of the Trial of Original Civil Suits in the Court of the of during the 18 .

			RECEIVED OTHERWISE.						DISPOSED OF													AVERAGE DURATION OF SUITS.						
									WITHOUT TRIAL.			WITHOUT CONTEST.				ON REFERENCE TO ARBITRATION.		WITH CONTEST,[1]				CONTESTED.			UNCONTESTED.			
CLASS OF SUITS.	Suits remaining from last	Instituted in	Received by transfer from other Courts.	Remanded under Section 562, Act XIV of 1882.	Reviews under Section 626.	Revived under Sections 99, 103, 108 or 371.	Total for disposal.	Transferred to other Courts.	Plaints rejected or returned.	Dismissed for default or want of prosecution.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For Plaintiff.	For Defendant.	Judgment for Plaintiff in whole or part.	Judgment for Defendant.	Total of columns 10 to 20.	Pending at the close of	Number of cases.[2]	Aggregate number of days occupied in trial.	Average number of days.	Number of cases.[3]	Aggregate number of days occupied in trial.	Average number of days.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
Suits for Money or Movables. Under Small Cause Court Procedure .																												
Suits for Money or Movables. Under Ordinary Procedure . . .																												
Suits under the Rent Law . . .																												
Title and other Suits																												
Total for the past .																												
Total for the previous .																												
GRAND TOTAL[4] .																												

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[1] Note in the column of remarks the number of cases other than those decided under the Small Cause Court procedure, included in columns 19 and 20, in which, (1) no appeal lay, or (2) in which the appeal lay to the High Court.

[2] Columns 17 to 21. [3] Columns 10 to 16. [4] In column 2 the entry to be made opposite this total is the number of suits pending at the close of the previous year, and this entry will remain unaltered throughout the year to which the returns relate. Columns 8 and 22 against this total will be blank throughout the year, and will be filled up only at its close. It is not intended that any entry should be made in columns 2, 8, or 22 against the "Total for the previous——" in the preceding line.

PART II.

Detail of Pending Original Suits.

CLASS OF SUITS.		NUMBER OF SUITS PENDING				EXPLANATIONS AND REMARKS.
		More than six weeks.	More than three months.	More than six months.	More than one year.	
1		2	3	4	5	6
Suits for Money or Moveables .	Under the Small Cause Court Procedure					
	Under Ordinary Procedure . .					
Suits under the Rent Law						
Title and other Suits.						
TOTAL .						

No. 2. **B.**

Monthly Statement of Miscellaneous Cases of a Judicial Court of the of .

CLASS OF CASES.	Cases remaining from last	Instituted in[2]	RECEIVED OTHERWISE.				Total for disposal.	Transferred to other Courts.
			Received by Transfer from other Courts.	Remanded under Section 562, Act XIV of 1882.	Reviews under Section 626.	Revivals under Sections 99, 103, 108.		
1	2	3	4	5	6	7	8	9
Applications to Revive a Suit or Appeal .								
Applications to Review Judgment in a Suit or Appeal								
Claims to and Objections to Attachment of attached property								
Complaints by Decree-holder or Purchaser of Resistance to Possession being given .								
Inquiries under Section 258 on application of judgment-debtor								
Applications for leave to sue or appeal as a Pauper								
Cases under Section 7 of Regulation V of 1799, in which a Claimant appeared . . .								
Cases under Act VIII of 1890 . . .								
Cases under Act VII of 1889								
Cases under Parts III and IV of Act X of 1870								
Cases under Section 59 of Act VII (B.C.) of 1875								
Total for the past . . Total for the previous .								
GRAND TOTAL[1] .								

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[1] Against this total the entry to be made in column 2 is the number of cases pending at the close made against this total in column 8 or 22 until the close of the year to which the returns relate. line.

[2] Here enter, as may be necessary,—"The following work was done in addition to that shown

Commissions received by the Court for execution under Section 386 of Act XIV of 1882

Miscellaneous criminal proceedings under Section 174 of Act XIV of 1882, and Sections 480, 475, and 478 of Act X of 1882 . . . .

Cases under Section 14 of Act XVIII of 1879 (Legal Practitioners' Act) . . .

nature (other than Applications for Execution) before the
during the 18 .

DISPOSED OF													Average duration of cases in Column 21.		
Without Trial.			Without Contest.				On reference to Arbitration		With Contest.						
Plaints rejected or returned.	Dismissed for default or want of prosecution.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For Plaintiff.	For Defendant.	Judgment for Plaintiff in whole or part.	Judgment for Defendant	Total of Columns 10 to 20.	Pending at the close of	Aggregate number of days occupied in trial.	Average number of days.	Remarks.[2]
10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25

of the previous year, and this entry will remain unchanged throughout the year. No entry will be
No entry should be made in column 2, 8, or 22 in the "Total for the previous —" in the preceding

in the preceding column, *viz.* :—
Number of witnesses examined by the Court . . . .
Number of cases returned unexecuted . . . .
Number of cases disposed of . . . .
Number of cases disposed of . . . .

PART II.

Detail of Pending Miscellaneous Cases of a judicial nature other than Applications for the Execution of Decrees.

CLASS OF CASES.	MISCELLANEOUS CASES PENDING				EXPLANATIONS AND REMARKS.
	More than six weeks.	More than three months,	More than six months.	More than one year.	
1	2	3	4	5	6
Applications to Revive Suits or Appeals					
Applications for review of judgment in suits or appeals					
Claims and Objections to Attachment of attached property . . .					
Complaints by Decree-holder or Purchaser of Resistance to Possession being given.					
Inquiries under Section 258 on application of judgment-debtor . . .					
Applications for leave to sue or appeal as a pauper					
Cases under Section 7, Regulation V of 1799, in which a Claimant appeared					
Cases under Act VIII of 1890					
Cases under Act VII of 1889					
Cases under Parts III and IV, Act X of 1870					
Cases under Section 59 of Act VII (B. C.) of 1876					
Commissions for Examination of Witnesses executed by Court . . .					
Miscellaneous Criminal Proceedings					
Cases under Section 14 of Act XVIII of 1879					
TOTAL .					

No. 3.

C.

Monthly Statement of Applications for the Execution of Decrees in the Court of the of during the month of 18 .

	APPLICATIONS DEALT WITH.					APPLICATIONS DISPOSED OF.*						DETAILS OF ENTRIES IN COLUMN 9.*						TOTAL AMOUNT REALIZED.*		NUMBER OF APPLICATIONS												
		FILED.				TRANSFERRED.																ON WHICH MOVABLE PROPERTY		ON WHICH IMMOVABLE PROPERTY				ON WHICH POSSESSION WAS GIVEN.				REMARKS.
CLASS OF SUITS; THE DECREES IN WHICH WERE UNDER EXECUTION.	Pending at the end of	The decrees being those of the Court where execution is taken out.	The Decrees being those of other Courts transferred for execution.	Restored to the file from any cause.	Total.	To another Court under Section 223.	To the Collector under Section 320.	Wholly or partly satisfied.	Wholly infructuous.	Total.	Pending at the end of	Satisfaction obtained in full.	Satisfaction obtained in part.	Satisfaction obtained through the Court.	Adjusted under Section 258.	Satisfaction obtained after issue of process.	Satisfaction obtained without the issue of process.	After issue of process.	Without the issue of process.	On which the judgment-debtor was imprisoned.	On which he was arrested under Section 336, but released without imprisonment.	Was sold.	Was attached but subsequently released under Section 275.	Was sold.	Was dealt with under Section 305 or 326.	Was attached but subsequently released under Section 275.	On which specific performance was enforced.	Of movables, Section 259.	Of immovables, Sections 263 and 264.	On which partition was effected, Section 265.	On which execution was effected otherwise than in the preceding columns.	Note the number of entries in columns 4 and 7, where the decrees have been transferred from or to another province.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33
Suits for Money or Movables.																																
Suits under the Rent Law .																																
Title and other Suits . . .																																
Total for the past . . .																																
Total for the previous . .																																
GRAND TOTAL†																																

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* This Statement deals only with cases in which an application for execution has been made.

† Against this total the entry to be made in column 2 is the number of applications pending at the close of the previous year, and this entry will remain unchanged throughout the year to which the returns relate. In columns 6 and 12 no entry is to be made against this total till the close of the year. No entry should be made in columns 2, 6, or 12 against the "Total for the previous—" in the line preceding.

PART II.

Detail of pending Applications for Execution of Decrees.

APPLICATIONS FOR EXECUTION OF DECREES.	NUMBER OF APPLICATIONS PENDING			EXPLANATIONS AND REMARKS.
	More than three months.	More than six months.	More than one year.	
1	2	3	4	5
In Suits for Money or Moveables . .				
In Suits under the Rent Law . . .				
In Title and other Suits				
TOTAL .				

No. 4.

D.

Monthly Statement of certain Miscellaneous Cases of a non-judicial nature before the Court of the
of *during the* *18* .

Class of Case.	Cases remaining from last	Instituted in	Received otherwise.	Total for disposal.	Disposed of		Pending.	Remarks.
					Granted.	Refused.		
1	2	3	4	5	6	7	8	9
Applications for the Deposit of Rent . . .								
Applications for Assistance to Distrain . . .								
Applications for the service of notice of surrender of holdings . . .								
Applications for the service of notices of execution by non-occupancy raiyats of agreements to pay enhanced rent . . .								
Applications for service of notices of transfer of occupancy holdings .								
Total for the past .								
Total for the previous								
GRAND TOTAL* .								

* The entry to be made against this total in Column 2 is the number of cases pending at the close of the previous year, and this entry should remain unchanged throughout the year, to which the returns relate. No entry is to be made against this total in column 5 or 8 until the end of the year. No entry should be made in column 2, 5 or 8, against the " Total for the previous—" in the preceding line.

(*Substituted by Rule No. 10, dated the 13th September 1886.*)

No. 5.

E.

Monthly Statement showing the Civil Appellate Business before the Court of the during the 18 .

Class of suits, the decisions in which were appealed against.	Appeals remaining from last month.	Instituted in	Otherwise received.				Total for disposal.	Transferred to other Courts.	Decisions confirmed, Section 551.[2]	Dismissed for default or otherwise not prosecuted.	Heard *ex-parte.*				Contested.				Total of Columns 10 to 19, *i.e.*, disposed of, omitting transfers.	Pending at the end of	Of these pending more than four months.	Average duration of Appeals in Column 20.		Objections under Section 561 of Act XIV of 1882.	Remarks.
			Received by transfer from other Courts.	Reviews under Section 626 of Act XIV of 1882.	Remands under Section 562.	Revivals under Sections 558, 560.					Confirmed.	Modified.	Reversed.	Remanded under Section 562.	Confirmed.	Modified.	Reversed.	Remanded under Section 562.				Aggregate number of days the Appeals were pending.	Average number of days pending.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
Suits for Money or Moveables																									
Suits under the Rent Law .																									
Title and other Suits . .																									
Total for the past .																									
Total for the previous .																									
GRAND TOTAL[1] .																									

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[1] The entry to be made against this total in Column 2 is the number of appeals pending at the close of the previous year, and this entry should remain unchanged throughout the year to which the returns relate. No entry is to be made against this total in Column 8 or 21 till the close of the year. No entry should be made against the "Total for the previous ——" in Columns 2, 8, or 21.

[2] Heading altered by Rule No. 2 of 18th April 1883.

PART II.

Detail of Pending Appeals.

CLASS OF APPEALS.	NUMBER OF APPEALS PENDING				EXPLANATIONS AND REMARKS.
	More than six weeks.	More than three months.	More than six months.	More than one year.	
1	2	3	4	5	6
In Suits for Money or Movables					
In Suits under the Rent Law					
In Title and other Suits					
TOTAL .					

No. 6.

F.

Monthly Statement showing the Miscellaneous Appeals before the Court of the of during the 18 .

Class of Appeals.	Remaining from last.	Instituted in	Otherwise received.				Total for disposal.	Transferred to other Courts.	Miscellaneous Appeals summarily rejected, Section 551.	Dismissed for default or otherwise not prosecuted.	Heard ex-parte.				Contested.				Total of columns 10 to 19, *i. e.*, disposed of, omitting transfers.	Pending.	Average duration of Appeals in Column 10.		Remarks.
			Received by transfer from other Courts.	Reviewed under Section 626, of Act XIV of 1882.	On remand under Section 562.	Revived under Sections 558 and 560.					Rejected.	Modified.	Decreed or granted.	Remanded under Section 562.	Rejected.	Modified.	Decreed or granted.	Remanded under Section 562.			Aggregate number of days.	Average number of days.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Appeals from Orders under Section 588, Act XIV of 1882 . . .																							
Appeals in Miscellaneous (Judicial) Cases																							
Total for past .																							
Total for previous .																							
GRAND TOTAL[1] .																							

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[1] The entry to be made against this total in column 2 is the number of miscellaneous Appeals pending at the close of the previous year, and this entry should remain unchanged throughout the year to which the returns relate. No entry is to be made against it in column 8 or 21 till the close of the year. No entry should be made in columns 2, 8, or 21, against the "Total for the previous—" in the preceding line.

PART II.

Details of Pending Miscellaneous Appeals.

CLASS OF CASES.	NUMBER OF MISCELLANEOUS APPEALS PENDING			EXPLANATIONS AND REMARKS.
	More than six weeks.	More than three months.	More than one year.	
1	2	3	4	5
Appeals from Orders under Section 588, Act XIV of 1882.				
Appeals in Miscellaneous (Judicial) Cases . .				
TOTAL .				

No. 7.

Diary of the Court of Small Causes of for the month of 18 .

Date.	How employed.	Hours of Sitting.	REMARKS.
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			

Quarterly Statements.

6. [*Instructions regarding Explanations of delay in Quarterly Statements—C. O. No. 29 of 21st August 1879.*] —(*a*) The District Judges shall review the explanations furnished by the subordinate Courts, and will append to their Quarterly Statements a Certificate either that they have found them satisfactory, or that they have taken the needful steps in respect of those which have been found unsatisfactory.

(*b*) Any case which appears to call for special notice should be separately brought to the notice of the High Court; and, whenever a case has been pending for more than a year, the explanation of the lower Court, together with the Judge's remarks thereon, must be forwarded.

(*c*) Explanations shall be furnished by Additional Judges of cases pending before them for more than one year, and these shall be forwarded to the High Court by District Judges along with similar explanations regarding cases pending before themselves for more than one year.

NOTE.—In all Quarterly Civil Statements the number of days during which any District or Subordinate Judge or any Munsif has been absent from Court owing to temporary indisposition or other cause, should be noted in the column for Remarks. (*G. L. No. 1 of 6th January 1886.*)

No. 8.

QUARTERLY STATEMENT A.

ORIGINAL SUITS.

District of *quarter of 18* .

Courts.	For Disposal.							Disposed of.					Pending.				Explanations and Remarks.
		Instituted.															
	Pending.	Suits for Money or Moveables.	Suits under the Rent Law.	Title and other suits.	Received by transfer.	Restored to the file for any reason.	Total.	Transferred to other Courts.	Without trial.	Without contest.	With contest and on reference to Arbitration.	Total, omitting transfers.	Suits for Money or Moveables.	Suits under the Rent Law.	Title and other suits.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Total .																	

PART II.

Detail of Pending Cases.

COURTS.	SUITS FOR MONEY OR MOVEABLES PENDING			SUITS UNDER THE RENT LAW PENDING			TITLE AND OTHER SUITS PENDING			EXPLANATIONS AND REMARKS.
	More than six weeks.	More than three months.	More than one year.	More than six weeks.	More than three months.	More than one year.	More than three months.	More than six months.	More than one year.	
1	2	3	4	5	6	7	8	9	10	11
TOTAL .										

No. 9.

QUARTERLY STATEMENT B.

APPLICATIONS FOR THE EXECUTION OF DECREES AND MISCELLANEOUS (JUDICIAL) CASES.

District of *Quarter of 18* .

Courts.	Applications for the Execution of Decrees.									Miscellaneous (Judicial) Cases.											Explanations and Remarks.
	For Disposal.				Disposed of			Total omitting transfers.	Pending.	For Disposal.					Disposed of				Total, omitting transfer.	Pending.	
	Pending.	Filed.*	Restored to file.	Total.	By transfer.	Entirely or partially satisfied.	Wholly infructuous.			Pending.	Instituted.	Received by transfer.	Restored to file.	Total.	Transferred to another Court.	Without trial.	Without contest.	With contest or by arbitration.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
Total .																					

* Columns 3 and 4 of Annual Statement 6.

NOTE.—New Column 10 added by C. O. No. 3 of 7th January 1880.

PART II.

Detail of Pending Cases.

COURTS.	APPLICATIONS FOR THE EXECUTION OF DECREES, PENDING			MISCELLANEOUS (JUDICIAL) CASES, PENDING			EXPLANATIONS AND REMARKS.
	More than three months.	More than six months.	More than one year.	More than three months.	More than six months.	More than one year.	
1	2	3	4	5	6	7	8
TOTAL .							

No. 10.

QUARTERLY STATEMENT C.[1]

MISCELLANEOUS CASES—NON-JUDICIAL.[2]

District *quarter 188* .

Court.	Applications made.					Disposed of						Pending					Explanations and remarks.
							For assistance to distrain.										
	For deposit of rent.	For assistance to distrain.	For the service of notice of surrender of holdings.	For the service of notices of execution by non-occupancy raiyats of agreement to pay enhanced rent.	For the service of notices of transfer of occupancy holdings.	For deposit of rent.	Granted.	Refused.	For the service of notice of surrender of holdings.	For the service of notices of execution by non-occupancy raiyats of agreement to pay enhanced rent.	For the service of notice of transfer of occupancy holdings.	For deposit of rent.	For assistance to distrain.	For the service of notice of surrender of holdings.	For the service of notices of execution by non-occupancy raiyats of agreement to pay enhanced rent.	For the service of notice of transfer of occupancy holdings.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18

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[1] Substituted by (Rule No. 10, dated the 13th September 1886).

[2] This Statement corresponds to Monthly Statement D. A copy of this Statement is to be furnished to the Collector of the District. (G. L. No. 8 of 17th July 1887.)

No. II.

QUARTERLY STATEMENT D.

APPEALS.

District of *Quarter of 18* .

Courts.	For Disposal.							Disposed of.					Pending.				Explanations and Remarks.
		Instituted.															
	Pending.	In suits for Money or Movables.	In suits under the Rent Law.	In Title and other suits.	Received by transfer.	Restored to the file for any reason.	Total.	Transferred to other Courts.	Dismissed on default or for want of prosecution.	Decided *ex parte*.*	Contested.	Total, omitting transfers.	In suits for Money or Movables.	In suits under the Rent Law.	In Title and other suits.	Total.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Total .																	

* Include appeals summarily rejected under Section 551 of Act XIV of 1882.

PART II.

Details of Pending Appeals.

COURTS.	IN SUITS FOR MONEY OR MOVABLES, PENDING			IN SUITS UNDER THE RENT LAW, PENDING				IN TITLE AND OTHER SUITS, PENDING			EXPLANATIONS AND REMARKS.
	More than six weeks.	More than three months.	More than one year.	More than six weeks.	More than three months.	More than six months.	More than one year.	More than three months.	More than six months.	More than one year.	
1	2	3	4	5	6	7	8	9	10	11	12
TOTAL .											

No. 12.

QUARTERLY STATEMENT E.

MISCELLANEOUS APPEALS.

District of *Quarter of 18* .

Courts.	For Disposal.					Disposed of.					Total pending.	Of which pending			Explanations and Remarks.
	Pending.	Instituted.	Received by transfer.	Restored to the file for any reason.	Total.	Transferred to other Courts.	Rejected, dismissed for default or want of prosecution.	Heard *ex parte*.	Contested.	Total, omitting transfers.		More than six weeks.	More than three months.	More than one year.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Total .															

No. 13.

Quarterly Statement of Commissions issued under Sections 383 and 386 of the Code of Civil Procedure from the Court of District during the quarter 18 .

Consecutive No. for the year.	Number of Suit.	Party applying.	Date of application.	Place to which Commission is to be sent.	Person to whom addressed.	Fee.	Date of issue.	Date of return.	Whether or not executed.	REMARKS.
1	2	3	4	5	6	7	8	9	10	11

No. 14.

QUARTERLY STATEMENT F.

Applications for Probate or Letters of Administration with Wills annexed, and Applications for Letters of Administration in cases of Intestacy, under Act V, 1881.

In the Court of the District Judge of for the Quarter of 189 .

Class of cases.		Pending from previous quarter.	Instituted during present quarter.	Total of 2 and 3.	Disposed of in quarter.	PENDING						Total pending: cols. 6 to 11.	REMARKS.
						over 6 weeks.	over 3 months.	over 4 months.	over 5 months	over 6 months.	over one year.		
1		2	3	4	5	6	7	8	9	10	11	12	13
Applications for probate or for letters of administration, with Wills annexed.	Contentious												
	Non-contentious.												
Applications for letters of administration in cases of intestacy.													

NOTE.--This statement (which was prescribed by Circular Order No. 8 of 16th May 1881) will serve to supply information to the High Court, showing in what Districts any District Delegates should be appointed under Act VI, 1881, to relieve District Judges from a pressure of work.

No. 15.

Quarterly Statement showing the number of Pauper Suits decided in the Civil Courts of the District of during the Quarter of the year 18 , and the amount of Stamp Duty leviable on behalf of Government (Circular Order No. 4, dated 16th February 1878).

In what Court decided.	Date of institution of Suit.	Register No. of Suit.	Names of Suitors with their places of Residence.	Nature of the Suit.	Substance of the order passed.	Date on which copy of the Decree was made over to the Government Pleader.	Amount or Value in dispute.	Amount of Stamp Duty leviable.	REMARKS.

Annual Statements.

7. [*Instructions as to the preparation of the Annual Statements —C. O. No. 29 of 21st August 1879.*]—(*a*) District Judges should be careful that the proper officers of their Courts, and of the Courts subordinate to them, collect at convenient intervals the information necessary to fill up the Annual Statements. Some of these can be readily compiled from the Monthly and Quarterly Returns. In the case of others the Court has not insisted on the requisite information being embodied in Monthly or Quarterly returns, but it is essential that it should be collected from time to time so as to be available without delay at the close of the year.

(*b*) The Court desire to impress upon District Judges and other officers concerned in the preparation of Periodical Statements that, unless they are correct and framed in exact compliance with the instructions issued in that behalf, they are not merely valueless but mischievous.

No. 17.

ANNUAL STATEMENT I—(CIVIL)

FOR THE DISTRICT JUDGESHIP OF FOR THE YEAR 18 .

PART I.

List of Judicial Divisions with Area and Population.

Name of District Judgeship.	Name of Collectorate.	Names of Munsifees.	Area in square miles.*	Population.
1	2	3	4	5

---

* If the Judgeship includes more than one Collectorate, give the area and population separately for each.

Part II.

Return showing the total number of Judicial and Revenue Officers exercising jurisdiction in Civil and Revenue cases at the close of the year, their class and powers. Also the number of working days that Officers of each class, employed in the district during any part of the year, were engaged in each department.

Class of Courts.	Exercising Civil powers only.[1]	Civil and Criminal powers.[1]	Civil and Revenue powers.[1]	Exercising Civil, Criminal, and Revenue powers.[1]	Total number of working days employed.			Remarks.
					On Civil works.[2]	On Criminal.[2]	On Revenue work.[2]	
1	2	3	4	5	6	7	8	9
CIVIL COURTS.								
District Judge								
Additional Judge								
(District)								
Small Cause Court Judges . . .								
Ditto with powers of Sub-Judge .								
Subordinate Judges								
Ditto with Small Cause Court powers								
Munsifs								
Ditto with Small Cause Court powers								
Total .								
(District)								
Small Cause Court Judges . . .								
Ditto with powers of Sub-Judge .								
Subordinate Judges								
Ditto with Small Cause Court powers								
Munsifs								
Ditto with Small Cause Court powers								
Total .								

---

[1] Only Officers exercising civil powers and employed in the district on the last day of the year are to be entered in these columns.

[2] In these columns enter the working days of every officer exercising civil powers who was employed in the district during any part of the year. An estimate of the share of an officer's time given to each department should be entered in case a precise record has not been kept.

Return showing the total number of Judicial and Revenue Officers, &c.—contd.

CLASS OF COURTS.	Exercising Civil powers only.[1]	Civil and Criminal powers.[1]	Civil and Revenue powers.[1]	Exercising Civil, Criminal, and Revenue powers.	TOTAL NUMBER OF WORKING DAYS EMPLOYED.			REMARKS.
					On Civil Works.[2]	On Criminal.[2]	On Revenue works.	
1	2	3	4	5	6	7	8	9
REVENUE COURTS.								
(DISTRICT)								
Collector								
Deputy and Assistant Collectors, and Assistant and Extra Assistant Commissioners								
TOTAL .								
(DISTRICT)								
Collector								
Deputy and Assistant Collectors, and Assistant and Extra Assistant Commissioners								
TOTAL .								
GRAND TOTAL .								

---

[1] Only Officers exercising Civil powers and employed in the district on the last day of the year are to be entered in these columns.

[2] In these columns enter the working days of every officer exercising civil powers who was employed in the district during any part of the year. An estimate of the share of an officer's time given to each department should be entered in case a precise record has not been kept.

NOTE.—Give also the information required in the following form (1)—

Grades of Judicial Officers.		European.	Native.	REMARKS.
Officers exercising both Original and Appellate Jurisdiction.	District Judges . .			
	Additional Judges .			
	Subordinate Judges .			
Officers exercising Original Jurisdiction only.	Small Cause Court Judges . . .			
	Munsifs . . .			

(1) Prescribed by Rule No. 7 of the 13th May 1881.

PART III.*

Statement showing the Receipts and Charges of the several grades of Civil Courts and the proportion of the salary of Judicial Officers debitable to Civil Justice.

CLASS OF COURTS.	RECEIPTS.[1]						CHARGES.[1]									REMARKS.
	IN COURT-FEE STAMPS.		IN CASH OR SPECIAL STAMPS.				SALARIES OF JUDICIAL OFFICERS.		ESTABLISHMENT.[2]			CONTINGENCIES.				
	Process fees.	Other fees.	Fines.	Copying and comparing fees.	Other receipts credited to Government.	Total.	Gross.	Share[3] debitable to Civil Justice.	Process-servers.	Salaried copying and comparing Clerks.	Others.	Fees paid to copyists not on the fixed establishment.	Other contingencies.	Refunds.	Total of Columns 8 to 12.	
1	2	3	4	5	5a	6	7	8	9	10	10a	11	11a	12	13	14
COURTS IN THE INTERIOR CIVIL COURTS.																
District Judges' Courts																
Small Cause Courts																
Subordinate Judges' Courts . . .																
Munsiffs' Courts																
TOTAL .																
REVENUE COURTS.[4]																
Collectors																
Deputy and Assistant Collectors and Assistant and Extra Assistant Commissioners .																
TOTAL .																
GRAND TOTAL FOR COURTS IN THE INTERIOR .																
COURTS AT THE PRESIDENCY . . .																
Presidency Small Cause Courts . . .																
High Court Original Jurisdiction . .																
Ditto Appellate ditto . . .																
TOTAL .																

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[1] Omit fractions of a rupee.

[2] In districts where the same establishment is employed in different departments enter only a share of the costs calculated on an estimate of the share of the time of each officer employed, which is devoted to Civil work.

[3] The proportion of an officer's time shown in Part II to have been devoted to Civil work will determine the proportion of his pay to be debited to Civil Justice.

[4] In districts where the duties of the Revenue Courts are purely executive, this division and the corresponding division of the other Annual Statements will be blank, as the Statements are meant to show judicial work only.

N.B.—Columns 5a, 10a, and 11a added by Circular of 2nd March 1881.

No. 18.

ANNUAL STATE

Statement showing the Number and Description of Civil
the

Class of Tribunals.	Suits for money or movable property.										
	Contract in writing.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work, and materials.	Rent not falling under the Rent Law.	Movable property or value thereof.	Damages.	Other suits for money or movables not already mentioned.	Total.
1	2	3	4	5	6	7	8	9	10	11	12
COURTS IN THE INTERIOR.											
I.—Civil Courts.											
Unpaid Tribunals											
Village Courts											
Paid Sub-divisional Tribunals. — Under ordinary procedure											
Under Small Cause Court powers											
Small Cause Courts. — As Small Cause Court Judges											
Under powers of Subordinate Judge											
District Courts other than Chief Courts of Districts. — Under ordinary procedure											
Under Small Cause Court powers											
Chief Courts of Districts											
Total											
II.—Revenue Courts.[1]											
Unpaid Tribunals											
Other Subordinate Courts											
District Courts—Collectors											
Total											
Grand Total for Courts in the Interior											
COURTS AT THE PRESIDENCY.											
Presidency Small Cause Court											
Superior Courts of General Jurisdiction											
Superior Courts of (Special Jurisdiction.) — Admiralty											
Testamentary											
Matrimonial											
Total											

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[1] Judicial work only is to be entered. Where the duties

[2] Uncontested Probate Cases are not to be entered as

[3] Give in the margin details showing the nature of the

MENT 2—(CIVIL).

Suits instituted in the Civil and Revenue Courts in in the year 18 .

Suits under the Rent Law.									Title and other Suits.																			
Arrears of Rent with or without Ejectment or cancelment of lease.	Enhancement or Abatement of Rent.	Relating to Distraint.	Damages for extortion, or for withholding Receipts, or on account of Illegal Restraint or other cause.	For Pottahs or Kabuliyats.	For Ejectment or Recovery of Possession.	For Recovery of Money or Accounts from Agents.	All other suits under the Rent Law not included above.	Total.	Suits for Immovable Property.	Suits for Declaratory Decrees.	Other Suits under the Specific Relief Act.	Suits to declare and establish rights to Real Property, including Pre-emption, Foreclosure, &c.	Suits to declare and establish Personal Rights.	Suits for an Account.	Suits relating to Religious Endowments.	Suits to set aside Judgments, Contract or Obligations on the ground of Fraud.	Suits for Dissolution of Marriage.	Suits for Enforcement of Matrimonial Rights.	Suits for Partition.	Suits relating to Shipping.	Suits relating to Religion and Caste.	Administration suits.	Interpleader suits.	Dissolution of Partnership.	Suits under section 261, Act X of 1865 (also Hindu Wills Act).[2]	Other suits not falling under any of the previous heads.[3]	Total.	GRAND TOTAL.
13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41

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of the Revenue Courts are purely executive this part of the Statement will be blank.
suits but as Miscellaneous Cases.
Suits entered here.

No. 19.

ANNUAL STATE

Statement showing Number and Value of Suits instituted in
in the

Class of Courts.	NUMBER OF SUITS INSTI								
	Value not exceeding R10.			Value not exceeding R50.			Value not exceeding R100.		
	Suits for Money or Movables.	Suits under the Rent Law.	Title and other suits.	Suits for Money or Movables.	Suits under the Rent Law.	Title and other suits.	Suits for Money or Movables.	Suits under the Rent Law.	Title and other suits.
1	2	3	4	5	6	7	8	9	10
COURTS IN THE INTERIOR.									
I.—Civil Courts.									
Unpaid Tribunals									
Village Courts									
Paid Sub-divisional Tribunals. Under ordinary procedure .									
Under Small Cause Court powers .									
Small Cause Court As Small Cause Court Judges									
Under powers of Subordinate Judge .									
District Courts other than Chief Courts of Districts. Under ordinary procedure .									
Under Small Cause Court powers . .									
Chief Courts of Districts . .									
Total .									
II.—Revenue Courts.[1]									
Unpaid Local Tribunals . . .									
Other Subordinate Courts . .									
District Courts—Collectors . .									
Total .									
Grand Total for Courts in the Interior									
COURTS AT THE PRESIDENCY.									
Presidency Small Cause Court .									
Superior Courts of General Jurisdiction									
Superior Courts of Special Jurisdiction. Admiralty .									
Testamentary .									
Matrimonial .									
Total .									

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[1] See note (4) at foot of

MENT 3—(CIVIL).

the Civil and Revenue Courts in the year 18 .

TUTED IN THE DIFFERENT COURTS.

VALUE NOT EXCEEDING R500.			Value not exceeding R1,000.	Value not exceeding R5,000.	Value not exceeding R10,000.	Value not exceeding R1,00,000.	Value exceeding R1,00,000.	The value of which cannot be estimated in money.	TOTAL.	TOTAL VALUE OF SUITS.	REMARKS.
Suits for Money or Movables.	Suits under the Rent Law.	Title and other suits.									
11	12	13	14	15	16	17	18	19	20	21	22

Statement I, Part III.

No. 20.

ANNUAL STATE

Statement showing the General Result of the trial of Civil and in the

Part I.—

CLASS OF COURTS.	NUMBER OF SUITS BEFORE THE COURTS.						
	Pending from last year.	Instituted[1] in	Received by transfer from other Courts.	Remanded under Section 562 of Act XIV of 1882.	Reviews under Section 626.	Revived under Sections 99, 103, 108, or 371.	Total for disposal.
1	2	3	4	5	6	7	8
COURTS IN THE INTERIOR.							
I.—CIVIL COURTS.							
Unpaid Tribunals							
Village Courts							
Paid Sub-divisional Tribunals. — Under ordinary procedure							
Paid Sub-divisional Tribunals. — Under Small Cause Court powers							
Small Cause Courts — As Small Cause Court Judges							
Small Cause Courts — Under powers of Subordinate Judge							
District Courts other than Chief Courts of Districts. — Under ordinary procedure							
District Courts other than Chief Courts of Districts. — Under Small Cause Court powers							
Chief Courts of Districts							
TOTAL OF EACH CLASS[4] FOR CIVIL COURTS. — Suits for money or movables							
TOTAL OF EACH CLASS[4] FOR CIVIL COURTS. — Ditto under the Rent Law							
TOTAL OF EACH CLASS[4] FOR CIVIL COURTS. — Title and other Suits							
TOTAL							
II.—REVENUE COURTS.							
Unpaid Local Tribunals							
Other Subordinate Courts							
District Courts—Collectors							
TOTAL							
GRAND TOTAL FOR COURTS IN THE INTERIOR							
COURTS AT THE PRESIDENCY.							
Presidency Small Cause Court							
Superior Courts of General Jurisdiction							
Superior Courts of Special Jurisdiction. — Admiralty							
Superior Courts of Special Jurisdiction. — Testamentary							
Superior Courts of Special Jurisdiction. — Matrimonial							
TOTAL							

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[1] The entries in this column are meant to show new Institutions only, and should agree with 1882), are to be reckoned as "instituted." Plaints rejected before registration are not to be entered

[2] Only those plaints which are rejected after registration should be entered in this column.

[3] In calculating average duration the time that the suit has been actually pending in the application for review which has been granted, or an appeal in which an order of remand has been instituted on revival.—*(Revised note prescribed by C. O. No. 20 of 1st August 1881.)*

[4] The classification adopted in Statement 2 is to be followed.

NOTE.—New column (23) added by Circular Order No. 3 of 7th January 1880.

MENT 4—(CIVIL).

Revenue cases in the Courts of Original Jurisdiction in the year 18 .

Civil Suits.

NUMBER OF SUITS DISPOSED OF															AVERAGE DURATION OF SUITS.[3]						
	WITHOUT TRIAL.			WITHOUT CONTEST.				ON REFERENCE TO ARBITRATION.		WITH CONTEST.					CONTESTED.			UNCONTESTED.			
Transferred to other Courts.	Plaint rejected or returned.[2]	Dismissed for default or want of prosecution.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or part.	Judgment for defendant.	Total disposed of, omitting transfers.	Pending at close of year.	Number of cases pending more than three months at the close of the year.	Number of cases (Columns 17 to 20.)	Aggregate number of days occupied in trial.	Average number of days.	Number of cases (Columns 10 to 16.)	Aggregate number of days occupied in trial.	Average number of days.	REMARKS.
9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30

Statements 2 and 3. Only suits which have been admitted and register ed (Section 58, Act XIV of in this Statement.

particular Court should alone be calculated. The interval should be omitted during which an passed, has been pending in the Superior Court. Revived suits are to be treated as if newly

No. 21.

ANNUAL STATE

Statement showing the General Result of the trial of Civil in the

Part II.—Miscellaneous

Class of Courts.	Suits remaining from last year.	Instituted in	Received otherwise.				Total for disposal.	Transferred to other Courts.
			Received by transfer from other Courts.	Remanded under Section 562 of Act XIV of 1882.	Reviews under Section 626.	Revived under Sections 99, 103, 108.		
1	2	3	4	5	6	7	8	9
COURTS IN THE INTERIOR.								
I.—Civil Courts.								
Unpaid Tribunals								
Village Courts								
Paid Sub-divisional Tribunals								
Small Cause Courts — As Small Cause Court Judges								
Small Cause Courts — Under powers of Subordinate Judge.								
District Courts other than Chief Courts of District								
Chief Courts of Districts								
Total								
II.—Revenue Courts.								
Unpaid Local Tribunals								
Other Subordinate Courts								
District Courts—Collectors								
Total								
Grand Total for Courts in the interior								
COURT AT THE PRESIDENCY.								
Presidency Small Cause Court								
Superior Courts of General Jurisdiction								
Total								

Note.—New column (23) added by

MENT 4—(CIVIL).

and Revenue Cases in the Courts of Original Jurisdiction in the year 18 .

Cases (Judicial).

DISPOSED OF											Total of columns 10 to 20, *i.e.*, disposed of, omitting transfers.	Pending at close of year.	Number of cases pending more than three months at the close of the year.	AVERAGE DURATION OF CASES IN COLUMN 21.		REMARKS.
WITHOUT TRIAL.			WITHOUT CONTEST.				ON REFERENCE TO ARBITRATION.		WITH CONTEST.							
Applications rejected or returned.	Dismissed for default or want of prosecution.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or part.	Judgment for defendant.				Aggregate number of days occupied in trial.	Average number of days.	
10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26

C. O. No. 3 of 7th January 1880.

Form 22.

ANNUAL STATE

Statement showing the business of the Civil and Revenue

Part I.—Appeals

Class of Courts.	Appeals remaining from last year.	Instituted in	Otherwise received.				Total for disposal.	Transferred to other Courts.	Decisions confirmed, Section 551.	Dismissed for default, Sections 556, 557, or otherwise not prosecuted.
			Received by transfer from other Courts.	Reviews under Section 626 of Act XIV of 1882.	Remands under Section 562.	Revivals under Sections 558, 560.				
1	2	3	4	5	6	7	8	9	10	11
COURTS IN THE INTERIOR.										
Appeals from Original Decrees.										
A.—Civil Courts.										
Chief Appellate Court other than Chief Court of District										
Chief Appellate Courts of Districts . .										
Superior Appellate Courts other than Chief Court of Province										
Total of each class[1] for Civil Courts. — Appeals from decisions in Suits for Money or Movables . . .										
In Suits under the Rent Law										
In Title and other Suits										
Total .										
B.—Revenue Courts[2].										
Collectors' Appellate Courts . . .										
Total .										
Grand Total for Courts in the Interior										
COURTS AT THE PRESIDENCY.										
Appeals from Original Decrees.										
Chief Court of Province. — From decisions by Courts in the Interior . .										
From decisions on the Original Side . .										
Total .										
Appeals from Appellate Decrees.										
Chief Court of Province. — From decisions by Appellate Courts in the Interior										
From decisions of a single Judge or Bench on appeal in the Chief Court										
Total .										

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[1] The classification adopted in Statement 2 is to be followed.

Parts I and II revised by Rule

MENT 5—(CIVIL).

Appellate Courts of the in the year 18 .

from Decrees.

HEARD *ex-parte*.				CONTESTED.				Total disposed of, omitting transfers.	Pending.	Of these pending more than three months.	AVERAGE DURATION OF APPEALS IN COLUMN 20.		Objections under Section 561 of Act XIV of 1882.	REMARKS.
Confirmed.	Modified.	Reversed.	Remanded under Section 562.	Confirmed.	Modified.	Reversed.	Remanded under Section 562.				Aggregate number of days the appeals were pending.	Average number of days pending.		
12	13	14	15	16	17	18	19	20	21	22	23	24	25	26

No. 2 of 18th April 1883.

[2] See Note (4) at foot of Statement 1, Part III.

No. 23.

ANNUAL STATE

Statement showing the business of the Civil and Revenue

Part II.—Miscellaneous

Class of Courts.	Appeals remaining from last year.	Instituted in	Otherwise received. Received by transfer from other Courts.	Otherwise received. Reviews under Section 626 of Act XIV of 1882.	Otherwise received. Remands under Section 562.	Otherwise received. Restored to file under Sections 558, 560.
1	2	3	4	5	6	7
COURTS IN THE INTERIOR.						
FIRST APPEALS.						
A.—CIVIL COURTS.						
Chief Appellate Court other than Chief Court of District						
Chief Appellate Courts of Districts						
Superior Appellate Court other than Chief Court of Province.						
TOTAL .						
B.—REVENUE COURTS.						
Collectors' Appellate Courts						
TOTAL .						
GRAND TOTAL FOR COURTS IN THE INTERIOR .						
COURTS AT THE PRESIDENCY.						
FIRST APPEALS.						
CHIEF COURT OF PROVINCE. From decisions by Courts in the interior.						
From decisions on the Original Side						
TOTAL .						
SECOND APPEALS.						
CHIEF COURT OF PROVINCE. From decisions by Appellate Courts in the interior.						
From decisions of a single Judge or Bench on Appeal in the Chief Court.						
TOTAL .						

MENT 5—(CIVIL).

Appellate Courts of the *in the year 18* .

Appeals (Judicial).

				HEARD *ex-parte.*				CONTESTED.							AVERAGE DURATION OF APPEALS IN COLUMN 20.			
Total for disposal.	Transferred to other Courts.	Decisions confirmed, Section 551.	Dismissed for default or otherwise not prosecuted.	Rejected.	Modified.	Decreed or granted.	Remanded under Section 562.	Rejected.	Modified.	Decreed or granted.	Remanded under Section 562.	Total disposed of, omitting transfers.	Pending.	Of those pending more than three months.	Aggregate number of days the appeals were pending.	Average number of days pending.	Objections under Section 561 of Act XIV of 1882.	REMARKS.
8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26

No. 24.

ANNUAL STATE

Statement showing the Result of Proceedings on Applications for the
in the

Class of Courts.	Number of Applications dealt with.					Applications disposed of.[3]						
		Filed.[1]				Transferred.						
	Pending at the end of	The decrees being those of the Court where execution is taken out.	The decrees being those of other Courts transferred for execution.[2]	Restored to the file for any cause.	Total.	To another Court under Section 223.	To the Collector under Section 320.	Wholly or partly satisfied.	Wholly infructuous.	Total.	Pending at the end of	Number of applications pending more than three months at the close of the year.
1	2	3	4	5	6	7	8	9	10	11	12	13
COURTS IN THE INTERIOR.												
I.—Civil Courts.												
Unpaid Tribunals												
Village Courts												
Paid Sub-divisional Tribunals												
Small Cause Courts												
District Courts other than Chief Courts of Districts												
Total												
II.—Revenue Courts.												
Unpaid Local Tribunals												
Other Subordinate Courts												
District Courts—Collectors												
Total												
Grand Total for Courts in the Interior												
COURTS AT THE PRESIDENCY.												
Presidency Small Cause Courts												
Superior Courts of General Jurisdiction												
Superior Courts of Special Jurisdiction — Admiralty												
Superior Courts of Special Jurisdiction — Testamentary												
Superior Courts of Special Jurisdiction — Matrimonial												
Total												

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[1] Including verbal appli

[2] The following cases only are to be entered—(1) those in which, after transfer, an application
for execution by a superior Court to a subordinate Court of its own motion after an appli

[3] *N. B.*—This statement deals only with cases in

[4] In column of Remarks state how execution

MENT 6—(CIVIL).

Execution of the Decrees of the Civil and Revenue Courts in the year 18 .

Details of entries in Column 9.[3]						Amount realized.[3]		Number of applications.											On which Execution was effected otherwise than in the preceding columns.[4]	Remarks. Note the number of entries in columns 4 and 6, where the decrees have been transferred from or to another Province.
								On which the judgment-debtor was imprisoned.	On which he was arrested under Section 336, but released without imprisonment.	On which his movable property		On which his immovable property			On which Specific Performance was enforced.	On which possession was given		On which Partition was effected, Section 265.		
Satisfaction obtained in full.	Satisfaction obtained in part.	Satisfaction obtained through the Court.	Adjusted under Section 258.	Satisfaction obtained with the issue of process.	Ditto without the issue of process.	With the issue of process.	Without the issue of process.			Was sold.	Was attached, but subsequently released under Section 275.	Was sold.	Was dealt with under Sections 305, 322 or 325.	Was attached, but subsequently released under Section 275.		Of Movables, Section 259.	Of Immovables, Sections 263 and 264.			
14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34

cations under Section 256.
has been made for execution under Section 230, and (2) those in which a decree has been transferred
cation for execution under Section 230 has been filed and execution ordered under Section 245.
which an application for execution has been made.
was effected in any case entered here.

No. 16.

ANNUAL STATEMENT 7—(CIVIL).

Proceedings in Insolvency, under Chapter XX of Act XIV of 1882, in the District of during the year 18 .

PART I.—Showing the number and result of applications under Section 344, and the number of Insolvents before the Court.

CLASS OF COURTS.	APPLICATIONS FOR A DECLARATION OF INSOLVENCY.															PERSONS DECLARED TO BE INSOLVENTS.									REMARKS.
	NUMBER OF APPLICATIONS DEALT WITH.						APPLICATIONS DISPOSED OF.								Pending at the close of the year.	NUMBER OF INSOLVENTS BEFORE THE COURT.				DISPOSED OF.				Remaining at the close of the year.	
	Pending at the close of the previous year.	Filed during the year.			Received by transfer.	TOTAL.	Transferred.	Withdrawn or otherwise not prosecuted.	Granted.		Rejected.			TOTAL.		Remaining at the close of the previous year.	Declared to be Insolvents during the year.	Received by transfer.	TOTAL.	Transferred.	Died.	Discharged.			
		By judgment debtors.		By Decree-holders.					A Receiver being appointed.	A Receiver not being appointed.	Penal Proceedings under Section 359 not being taken.	Sentence of imprisonment being passed under Section 359.	Applicant being sent to the Magistrate to be dealt with.									Under Section 351.	Under Section 355.		
		Under Arrest or Imprisonment.	Not under Arrest or Imprisonment.																						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
Courts other than Chief Courts of Districts specially empowered.																									
Chief Courts of Districts.																									
Superior Courts .																									
TOTAL .																									

NOTE.—This return must be submitted both half-yearly and annually.—(*C. O. No. 3 of 7th January 1880.*)

ANNUAL STATEMENT 7—(CIVIL).

Proceedings in Insolvency, under Chapter XX of Act XIV of 1882, in the District of during the year 18 .

PART II.—Showing the number of Estates in the hands of Receivers and the progress made in winding them up.

NAME OF COURT.	NUMBER OF INSOLVENTS' ESTATES IN THE HANDS OF RECEIVERS.				AMOUNT OF CREDITORS' CLAIMS DEALT WITH DURING THE YEAR.					AMOUNT OF INSOLVENTS' ASSETS REALIZED AND OUTSTANDING.				REMARKS.
	Pending at the close of the previous year.	Placed in charge of a Receiver during the year.	Number of estates in regard to which proceedings were finally closed during the year.	Pending at the close of the year.	Unsatisfied and pending at the close of previous year.	Admitted.	Disallowed.	Satisfied.	Unsatisfied and pending at the close of the year.	Amount of realized assets in the hands of Receivers at the close of the previous year.	Gross amount realized during the year.	Total amount of disbursements.	Amount remaining in the hands of Receivers at the close of the year.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Courts other than Chief Courts of Districts, specially empowered.														
Chief Courts of Districts .														
Superior Courts														
TOTAL .														

No. 25.

ANNUAL STATEMENT 8—(CIVIL AND CRIMINAL).

Statement showing the use of Juries and Assessors in the Civil and Criminal Courts in the in the year 18 .

Classes of Courts in which Jurors or Assessors are employed, distinguishing Criminal from Civil Courts.	Established or average number of Jurors or Assessors in each case, and prescribed qualification.	Number of cases tried by Jury.	Number of cases tried with Assessors.	JURY TRIALS.					ASSESSORS' TRIALS.			Remarks. (Note in what classes of cases Juries and Assessors are employed.)
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.		Number of persons of the verdict in respect to whom the Judge disapproved		Number of cases in which Judges agreed with Assessors.	Number of cases in which Judges differed from		
					Wholly.	Partially.	Whose cases he referred under Section 263, C. P. C.	Whose cases he did not refer under Section 263 C. P. C.		One Assessor.	Both Assessors.	
1	2	3	4	5	6	7	8	9	10	11	12	13
I.—CIVIL COURTS.												
Chief Court of District (or officers specially empowered) acting under Act X of 1870. Assessors												
II.—CRIMINAL COURTS.												
Magistrates' Courts under Chapter X, C. P. C. Jurors.												
Courts of Session Jurors												
Courts of Session Assessors												
High Court, Original Criminal Jurisdiction Jurors												
Total												

No. 26.

COMPARATIVE TABLE I—(CIVIL).

ORIGINAL JURISDICTION.

Table showing the Number of Suits Instituted, Disposed of, and Pending in each of the Civil Courts of the District of during the Past as compared with the Preceding year.

Detail of Courts.	Instituted.[1]		Disposed of.[2]		Pending.[3]		Remarks.
	18 .	18 .	18 .	18 .	18 .	18 .	
1	2	3	4	5	6	7	8
Total — Regular Civil Courts							
Total — Small Cause Courts							

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[1] Column 3, Annual Statement 4, Part I.

[2] Column 21 of ditto.

[3] Columns 2 and 22 of ditto.

No. 27.

COMPARATIVE TABLE II—(CIVIL).

ORIGINAL JURISDICTION.

Table showing the Number and Value of each class[1] *of suits instituted in each of the Civil Courts of the District of during the Past as compared with the Preceding year.*

DETAIL OF COURTS.	NUMBER OF SUITS.						VALUE OF SUITS.						REMARKS.
	18 .			18 .			18 .			18 .			
	For Money or Movables.	Suits under the Rent Law.	Title and other Suits.	For Money or Movables.	Suits under the Rent Law.	Title and other Suits.	For Money or Movables.	Suits under the Rent Law.	Title and other Suits.	For Money or Movables.	Suits under the Rent Law.	Title and other Suits.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
TOTAL { Regular Civil Courts . Small Cause Courts .													

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[1] The classification adopted in Annual Statement 2 must be followed.

No. 28.

TABLE III—(CIVIL).

ORIGINAL JURISDICTION.

Table showing the manner of Disposal of Suits of each Class[1] *in the Civil Courts of* *in* *the year 18* .

DATAIL OF COURTS.	SUITS FOR MONEY OR MOVABLES.			SUITS UNDER THE RENT LAW.			TITLE AND OTHER SUITS.			TOTAL.			REMARKS.
	Withdrawn,[2] compromised, confessed, &c.	Decided *ex-parte*.	Contested.[3]	Withdrawn,[2] compromised, confessed, &c.	Decided *ex-parte*.	Contested.[3]	Withdrawn,[2] compromised, confessed, &c.	Decided *ex-parte*.	Contested.[3]	Withdrawn,[2] compromised, confessed, &c.	Decided *ex-parte*.	Contested.[3]	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
TOTAL { Regular Civil Courts .													
TOTAL { Small Cause Courts .													

The classification in Annual Statement 2 is to be followed.

[2] Columns 10 to 14, Annual Statement 4, Part I.

[3] Columns 17 to 20 of the same.

No. 29.

TABLE IV—(CIVIL).

ORIGINAL JURISDICTION.

Table showing the number of Applications for an Order to set aside an Ex-parte Judgment or a Judgment on default Preferred, Disposed of, and Pending in the year 18 .

NAME OF COURT.	PREFERRED.			DISPOSED OF.			Pending.	REMARKS.
	To set aside *ex-parte* judgment.	To set aside judgment on default.	TOTAL.	Applications granted.	Applications rejected.	TOTAL.		
1	2	3	4	5	6	7	8	9
TOTAL .								

No. 30.

TABLE V—(CIVIL).

ORIGINAL JURISDICTION.

Table showing the number of Applications for the execution of Decrees Disposed of, in which satisfaction was obtained in whole or in part; and the amount Realized in the Civil Courts of the District of during the year 18 .

DETAIL OF COURTS.	NUMBER OF APPLICATIONS ON WHICH REALIZATIONS WERE MADE				AMOUNT REALIZED.			REMARKS.
	In full satisfaction of decree.[1]	In part satisfaction of decree.[2]	With process.[3]	Without process[4].	With process[5].	Without process.[6]	TOTAL.	
1	2	3	4	5	6	7	8	9
TOTAL { Regular Civil Courts . .								
TOTAL { Small Cause Courts								

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[1] Column 13 of Annual Statement 6.

[2] Column 14 of Annual Statement 6.

[3] Column 17 of Annual Statement 6.

[4] Column 18 of ditto.

[5] Column 19 of ditto.

[6] Column 20 of ditto.

No. 31.

COMPARATIVE TABLE VI—(CIVIL).

ORIGINAL JURISDICTION.

Table showing the number of Miscellaneous Cases of a Judicial Nature Instituted, Disposed of, and Pending in each of the Courts of the District of during the Past as compared with the Preceding year.

Detail of Courts.	Instituted.[1]		Disposed of.[2]		Pending.[3]		Remarks.
	18 .	18 .	18 .	18 .	18 .	18 .	
1	2	3	4	5	6	7	8
Total .							

---

[1] Column 3, Statement 4, Part II.

[2] Column 21 of ditto.

[3] Columns 2 and 22 of ditto.

No. 32.

COMPARATIVE TABLE VII—(CIVIL).

ORIGINAL JURISDICTION.

Table showing the number of Miscellaneous Cases of a Non-judicial Nature Instituted, Disposed of, and Pending in each of the Courts of the District of during the Past as compared with the Preceding year.

DETAIL OF COURTS.	INSTITUTED.		DISPOSED OF.		PENDING.		REMARKS.
	18 .	18 .	18 .	18 .	18 .	18 .	
1	2	3	4	5	6	7	8
TOTAL .							

No. 33.

COMPARATIVE TABLE VIII—(CIVIL).

APPELLATE JURISDICTION.

Table showing the number of Appeals from Decisions in Regular Suits Instituted, Disposed of, and Pending in the Civil Appellate Courts of the District of during the Past as compared with the Preceding year.

DETAIL OF COURTS.	INSTITUTED.[1]		DISPOSED OF.[2]		PENDING.[3]		REMARKS.
	18 .	18 .	18 .	18 .	18 .	18 .	
1	2	3	4	5	6	7	8
TOTAL .							

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[1] Column 3 of Annual Statement 5, Part I.

[2] Column 20 of ditto.

[3] Columns 2 and 21 of ditto.

TABLE IX—(CIVIL).

No. 34.

APPELLATE JURISDICTION.

Table showing the number of Appeals preferred in the District Court against the Decrees of each of the Subordinate Civil Courts in the District of ; the Ratio of Appeals to Decisions; the Number of Decisions Affirmed; and the Ratio of Affirmed to Decided.

APPEALS FROM.[1]	Number of Decrees in contested Cases against which an Appeal lay to the District Court.[2]	Number of Appeals Preferred.[3]	Ratio per cent. of Appeals to Decisions in which an Appeal lay.	Number of Appeals Decided on trial.[4]	Number of Decisions Affirmed.	Ratio per cent. of Affirmed to Decided on trial.	REMARKS.
1	2	3	4	5	6	7	8
Subordinate Judges							
Munsifs							
TOTAL .							

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[1] It is not necessary to exhibit separately the work of individual officers. Give total figures for each Court.

[2] Columns 19 and 20, Annual Statement 4, Part I, omitting (*a*) cases in which no appeal lay, and (*b*) cases in which the appeal lay to the High Court.

[3] Column 3 of Annual Statement 5, Part I.

[4] Columns 10 and 12 to 19, Annual Statement 5, Part I.

No. 35.

COMPARATIVE TABLE X—(CIVIL).

APPELLATE JURISDICTION.

Table showing the Number and Value of each Class[1] of Appeals Instituted in the District of during the Past as compared with the Preceding year.

Detail of Courts.	Number of Appeals instituted[2]						Value of Appeals instituted.						Remarks.
	18 .			18 .			18 .			18 .			
	In suits for Money or Movables.	In suits under the Rent Law.	In Title and other suits.	In suits for Money or Movables.	In suits under the Rent Law.	In Title and other suits.	In suits for Money or Movables.	In suits under the Rent Law.	In Title and other suits.	In suits for Money or Movables.	In suits under the Rent Law.	In Title and other suits.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
Total .													

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[1] The classification adopted in Annual Statement 2 is to be followed.

[2] Column 3, Annual Statement 5, Part I.

No. 36.

TABLE XI—(CIVIL).

Table showing the manner of Disposal of Appeals of each class,[1] *in the Civil Court of in the year 18 .*

DETAIL OF COURTS.	IN SUITS FOR MONEY OR MOVABLES.			IN SUITS UNDER THE RENT LAW.			IN TITLE AND OTHER SUITS.			TOTAL.			REMARKS.
	Dismissed for default or otherwise not prosecuted.[2]	Summarily rejected and heard *ex-parte*.[3]	Contested.[4]	Dismissed for default or otherwise not prosecuted.[2]	Summarily rejected and heard *ex-parte*.[3]	Contested.[4]	Dismissed for default or otherwise not prosecuted.[2]	Summarily rejected and heard *ex-parte*.[3]	Contested.[4]	Dismissed for default or otherwise not prosecuted.[2]	Summarily rejected and heard *ex-parte*.[3]	Contested.[4]	
	2	3	4	5	6	7	8	9	10	11	12	13	14
TOTAL .													

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[1] The classification, details of which are given in Annual Statement 2, must be adhered to.

[2] Column 11, Annual Statement 5, Part I.

[3] Columns 10 and 12 to 15 of Annual Statement 5, Part I.

[4] Columns 16 to 19 of Annual Statement 5, Part I.

No. 37.

TABLE XII—(CIVIL).

Table showing the number and value of Suits and Appeals of each class[1] *instituted in the Civil Courts of in the year 18 .*

VALUE OF SUITS.		SUITS.						APPEALS.						REMARKS.
		FOR MONEY OR MOVABLES.		UNDER THE RENT LAW.		TITLE AND OTHER SUITS.		IN SUITS FOR MONEY OR MOVABLES.		IN SUITS UNDER THE RENT LAW.		IN TITLE AND OTHER SUITS.		
		Number[2].	Value.	Number[2].	Value.	Number[2].	Value.	Number.[3]	Value.	Number[3].	Value.	Number[3].	Value.	
1		2	3	4	5	6	7	8	9	10	11	12	13	14
	R													
Not exceeding . . .	10													
"	50													
"	100													
"	500													
"	1,000													
"	5,000													
"	10,000													
"	1,00,000													
Exceeding	1,00,000													
Value not denotable in money . . .														
TOTAL .														

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[1] The classification adopted in Annual Statement 2 is to be followed.

[2] Column 3 of Annual Statement 4, Part I.

[3] Column 3 of Annual Statement 5, Part I.

No. 38.

COMPARATIVE TABLE XIII—(CIVIL).

APPELLATE JURISDICTION.

Table showing number of Miscellaneous Appeals Instituted, Disposed of, and Pending in the several Courts of the District of during the Past as compared with the Previous year.

DETAIL OF COURTS.	INSTITUTED.[1]		DISPOSED OF.[2]		PENDING[3]		REMARKS.
	18 .	18	18 .	18 .	18 .	18 .	
1	2	3	4	5	6	7	8
TOTAL .							

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[1] Column 3 of Annual Statement 5, Part II.

[2] Column 20 of ditto.

[3] Columns 2 and 21 of ditto.

No. 39.

TABLE XIV—(CIVIL).

Table showing the Average Duration of Suits of each Class[1] *disposed of in the Civil Courts of in the year 18 .*

N. B.—Fractions of days are to be omitted from this Statement.

DETAIL OF COURTS.	DURATION OF SUITS, EXCLUDING PENDENCY OF PROCEEDINGS IN REVIEW OR ON REMAND.			DURATION OF SUITS AFTER APPLICATION FOR A REVIEW OF JUDGMENT.			DURATION OF SUITS AFTER ORDER OF REMAND UNDER SECTION 562 OF ACT XIV OF 1882.			REMARKS.
	Suits for Money or Movables.	Suits under the Rent Law	Title and other suits.	Suits for Money or Movables.	Suits under the Rent Law.	Title and other suits.	Suits for Money or Movables.	Suits under the Rent Law.	Title and other suits.	
1	2	3	4	5	6	7	8	9	10	11
	M. D.	M. D.	M. D.	M. D.	M. D.	M. D.	M. D.	M. D.	M. D.	
GENERAL AVERAGE .										

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[1] The classification adopted in Annual Statement 2 is to be followed.

No. 40.

TABLE XV—(CIVIL).

Table showing the Average Duration of Appeals of each Class[1] *disposed of in the Civil Courts of*
in the year 18 .

N. B.—Fractions of days are to be omitted from this Statement.

DETAIL OF COURTS.	DURATION OF APPEALS, EXCLUDING PENDENCY OF PROCEEDINGS IN REVIEW OR ON REMAND.			DURATION OF APPEALS AFTER APPLICATION FOR REVIEW OF JUDGMENT.			DURATION OF APPEALS AFTER ORDER OF REMAND UNDER SECTION 562, ACT XIV OF 1882.			REMARKS.
	In suits for Money or Movables.	In suits under the Rent Law.	In Title and other suits.	In suits for Money or Movables.	In suits under the Rent Law.	In Title and other suits.	In suits for Money or Movables.	In suits under the Rent Law.	In Title and other suits.	
1	2	3	4	5	6	7	8	9	10	11
	M. D.	M. D.	M. D.	M. D.	M. D.	M. D.	M. D.	M. D.	M. D.	
GENERAL AVERAGE .										

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[1] The classification adopted in Annual Statement 2 is to be followed.

No. 41.

TABLE XVI—(CIVIL).

Table showing the number of Probates, Letters of Administration, Certificates, and extended Certificates, and the duty levied thereon, for the financial year 18 .*

Declared Value of Assets of Estates.	Number of Probates and Letters of Administration with Will annexed.	Amount of Court-fees paid on column 2.	Number of Letters of Administration without Will annexed.	Amount of Court-fees paid on column 4.	Number of Certificates under Act VII of 1889.	Amount of fees paid on column 6.	Number of extended Certificates under section 10 of Act VII of 1889.	Amount of fees paid on column 8.	TOTAL.		Number of Letters of Administration cancelled and fresh letters issued in lieu of the original.	REMARKS.
									Number of Probates, Letters of Administration and Certificates, columns 2, 4, 6, 8.	Amount of Court-fees paid, columns 3, 5, 7, 9		
1	2	3	4	5	6	7	8	9	10	11	12	13
Not exceeding R1,000 .												
Above R1,000 up to R5,000												
" 5,000 " 10,000												
" 10,000 " 50,000												
" 50,000 " 1,00,000												
" 1,00,000 . .												
TOTAL .												

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* Published in the *Calcutta Gazette* of the 21st May 1890, Part I, page 488, and in the *Assam Gazette* of the 31st May 1890, Part III, page 306. Substituted by Rule No. 8, dated the 5th June 1890.

No. 42.

TABLE XVII—(CIVIL).

Statement showing Receipts and Disbursements on account of the employment of Ameens in the District of during the financial year 18 .

(C. O. No. 12, dated 8th April 1872, and C. M. No. 2, dated 28th January 1875.)

Name of Court.	Receipts on account of employment of Ameens permanently entertained.	Disbursements on account of Ameens permanently entertained.	Receipts on account of Ameens temporarily employed.	Disbursements on account of Ameens temporarily employed.	Amount received as fees paid for the employment of Munsiffs as Commissioners.	Ameens permanently employed.[1]		Remarks.
						1st grade.	2nd grade.	
1	2	3	4	5	6	7	8	9
Total .								

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[1] The number actually employed at the close of the year should be entered in these columns. In the column of remarks any variation in the number employed in the course of the year should be noted.

No. 43.

TABLE XVIII—(CIVIL).

Table showing Values of the different Classes of Suits in which Local Enquiry was completed in during the Calendar year 18 .

SCALE OF VALUES.	Number.	Aggregate Value.	AGGREGATE COST OF LOCAL ENQUIRY.				Aggregate number of days the local enquiry lasted.[2]	REMARKS.
			Daily fee paid on account of the employment of the Ameen.	Contingent charges.[1]	Tullubana for the issue of process by the Ameen.	TOTAL.		
1	2	3	4	5	6	7	8	9
Cases not exceeding R 5								
Ditto „ 20								
Ditto „ 50								
Ditto „ 100								
Ditto „ 500								
Ditto „ 1,000								
Cases exceeding „ 1,000								
TOTAL .								

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[1] Including travelling expenses, boat-hire, wages of peons and chainmen, postage and stationery charges, and other similar charges.

[2] The number of days the officers making them were on the spot, *plus* the time spent in going to and coming from it.

No. 4.

TABLE XIX—(CIVIL).

Table showing the names of the Uncovenanted Judicial Officers employed in the district of on the last day of the year 18 , and the Immovable Property held, acquired, or disposed of by them, or held by, and managed by their wives, or other members of their families, living with and in any way dependent on them.

INSTRUCTIONS.—Opposite the name of each officer enter detail (1) of property held in the district in which employed; (2) of property, if any, acquired during the year in any district; (3) of property, if any, which ceased to be held during the year in any district; and (4) of property, if any, held by and managed by his wife, or by any other member of his family living with him and in any way dependent on him. In column 5 enter the mode of acquisition, whether by inheritance, gift, purchase, or otherwise, with date of acquisition.

Name and official designation of Officer.	Name of District where land is situate.	Nature of property and extent of interest held.	Whether held in his own name or in the name of another, or held by and managed by wife, or other member of family living with and in any way dependent on him.	How acquired.	If held under superior landlord, his name and place of residence with district.	REMARKS.
1	2	3	4	5	6	7

Rule No. 4 of 14th March 1889.

No. 45.

Annual Statement showing the number of Tenures sold by order of the Civil Courts in the District of in the financial year 18 .

Nature of Tenure sold.	Number of Tenures sold entire.	Number of Tenures, a share in which only was sold.	REMARKS.
1	2	3	4
ESTATES PAYING REVENUE TO GOVERNMENT—			
(*a*) paying more than R5,000 .			
(*b*) " " R1,000 and not more than R5,000 .			
(*c*) paying more than R200 and not more than R 1,000 .			
(*d*) paying not more than R200 .			
ESTATES NOT PAYING REVENUE TO GOVERNMENT—			
(*a*) whose area is 1,000 acres and upwards . .			
(*b*) whose area is 500 to 1,000 acres			
(*c*) whose area is 100 to 500 acres			
(*d*) whose area is less than 100 acres			
INTERMEDIATE TENURES—			
(*a*) Putnee talooks of all grades, mocurraree tenures, and other tenures held in perpetuity			
(*b*) Intermediate tenures for terms of years . . .			
RYOTS' HOLDINGS—			
(*a*) Holdings at fixed rates .			
(*b*) Occupancy rights not at fixed rates . . .			
(*c*) Other holdings . .			
TOTAL .			

Reports—(annual).

8.—[*Instructions regarding Annual Reports—C. O. No. 29 of 21st August 1879.*]—(*a*) District Judges shall submit to the High Court, along with the Annual Returns and Statements, a Report for the year to which these refer upon the administration of Civil Justice. Tabular Statements in forms Nos. 26 to 38[1] shall be incorporated in the Report, with apposite remarks as to any increase or decrease of business, or the like, shown in each. These tables shall include the figures for all the Courts of Small Causes, the regular Civil Courts, and the Revenue Courts in each district, separate totals being given for each of these classes of Courts. Much difficulty and unnecessary correspondence is caused by District Judges treating the Annual Reports as matters of routine, and failing to see that the entries in the tables included in them, and those in the corresponding Annual Statements, agree, as they must do, exactly. The failure to explain discrepancies between figures given in two successive Reports, which in the absence of special reason, ought to be identical, is also a matter which leads to much unnecessary correspondence.

(*b*) The High Court does not consider it necessary to prescribe the use of any particular form of Report, leaving it to the District Judges to put on record the main features in the administration of the year in the manner which may appear to them most suitable; the following matters[2] must, however, receive notice :—

The condition of judicial buildings.

The state of the Judge's record-room, which must be ascertained by careful personal enquiry, and not from the mere report of the record-keeper.

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[1] *Vide* Forms of Periodical Statements, pp. 349 to 364.

[2] See also page 44.

The extent to which effect has been given to the rules regarding the arrangement of the records in the course of the trial, and to the rules regarding the destruction of useless records.

The condition of the Judge's library.

The mode in which effect is given to the rules relating to the employment of Civil Court Ameens.

The working of the rules under the Court-fees Act.

The effect of recent legislation on the working of the Courts.

The date on which each Subordinate Court in the district was last inspected by the District Judge.

(*c*) The character, qualifications, and official merits of the several Subordinate Judicial Officers should be made the subject of a separate report, in which the work done by, and the result of appeals from, each officer ought to be analysed and commented upon, only as aids to forming a judgment as to their respective deserts and fitness for promotion. This is not, however, to debar District Judges from recording in their Administration Reports any instance of special and distinguished merit on the part of any subordinate officer, which they consider deserving of special mention and entitling the person indicated to the favourable notice of the Court or of Government.

(*d*) [*C. O. No. 1 of 18th January 1881.*]—District Judges shall forward to each Collector within their jurisdiction a copy of Annual Statement 2, and of so much of Comparative Tables I, II, and III as relates to the Courts in his district.

PART II.

OFFICERS OF SUBORDINATE COURTS.

CHAPTER VII.

Legal Practitioners—Civil Court Ameens—Process Servers.

Legal Practitioners.

1.—[*Rules*[1] *as to the qualification, admission, and certificates, &c., of Pleaders and Mukhtyars in Courts subordinate to the High Court—Section 6, clauses* (*a*), (*b*), (*c*), *and* (*d*), *Act XVIII of 1879—Rule No. 3 of 7th March 1884. Rule No. 11 of 8th September 1884, and Rule No. 2 of 28th January 1886.*]

I.—General.

(1) The following rules, framed by the High Court of Judicature at Fort William in Bengal, under Section 6, Act XVIII of 1879, in supersession of previous rules on the same subject, shall take effect from the date of their publication, except so far as they relate to the qualifications required by Rules 3, 4, 5, and 6, respectively, as to which the rules dated 12th September 1874 shall continue in force until the 16th February 1884.

(2) The Examiners hereinafter mentioned shall be persons to be appointed Examiners by the Lieutenant-

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[1] Published in the *Calcutta Gazette* of the 13th February 1884, Part I, pages 322 to 325; and in the *Assam Gazette* of 23rd February 1884, Part III, pages 88 to 92.

NOTE.—For fees to be allowed in respect of the adversary's Pleader or Mukhtyar see Chap. III, Rule 6, page 90.

Governor of Bengal under the provisions of Section 37 of Act XVIII of 1879.

II.—Qualifications of Pleaders.

(3) The following persons may be admitted as pleaders in the Courts subordinate to the High Court, that is to say—

1st—Any person who shall have obtained the degree of Bachelor of Law of one of the Universities of Calcutta, Madras, or Bombay, or shall be a Licentiate in Law of one of the said Universities, provided that his application for admission as a Pleader be made within one year from the time of his obtaining such degree or license, or within such further time as the High Court shall, for any special reason, allow; or

2nd—Any person who shall produce a certificate from the Examiners that he has passed within one year an examination in the subjects prescribed from time to time by the High Court for the Pleadership Examination.

Such subjects shall, until further order by the Court, be as follows:—

Subjects.[1]

I.—The Law of Property current in Bengal:—	
a. With reference to the Permanent Settlement; to the Government	Regulations (Bengal) I, VIII, and XIX of 1793, and the Regulations and Acts by which the

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[1] Published in the *Calcutta Gazette* of the 8th August 1888, Part I, pages 718 to 720.

(Subsequent amendments noted, 23rd January 1890.)

lien on land; to claims to hold land exempt from the payment of revenue; and to the mode in which estates can be brought to sale for arrears of revenue.	same have been altered; also Act XI of 1859.
b. The Law of under-tenures, and the mode in which the same can be brought to sale for arrears of rent.	Regulation (Bengal) VIII of 1819; Act VIII (B.C.) of 1865; Act VIII of 1885 (except as to candidates to practise in Orissa, who will be required to pass in Act X of 1859; candidates to practise in the Assam Valley Districts, who will be required to pass in Regulation No. 1 of 1886 (The Assam Land and Revenue Regulation); and candidates to practise in Chota-Nagpur, who will be required to pass in Act II (B.C.) of 1869 and Act I (B.C.) of 1879.
c. The Bengal Tenancy Act.	Act VIII of 1885, except as above (as amended by Act VIII of 1886).
d. Mortgages; Registration of Assurances.	Macpherson on Mortgages; Act IV of 1882 (The Transfer of Property Act), Chapter IV; Act III of 1877, as amended by Act XII of 1879, Act VII of 1886, and Act VII of 1888.
e. The Hindu Law of Inheritance, Succession and Adoption.	Dayabhaga and Mitakshara; Dattaka Chandrika; and Mayne's Hindu Law.
f. Mahomedan Law.	Baillie's Digest of Mahomedan Law.
g. The Indian Succession Act, and Hindu Wills Act, and the Probate and Administration Act.	Act X of 1865, as amended by Act XIII of 1875 and Act VI of 1889; Act II of 1877; Act XXI of 1870; Act V of 1881, as amended by Act VI of 1889.

II.—Obligations arising from Contracts.	Act IX of 1872, as amended by Act I of 1877, Act IV of 1886, and the Specific Relief Act, I of 1877.[1]
III.—Civil Procedure.	The Civil Procedure Code, Act XIV of 1882, as amended by Act VII, 1888 ; Act IX of 1887 (the Provincial Small Cause Courts Act) ; Act VI of 1888 (Debtors Act).
IV.—The Law of Evidence.	Act I of 1872, as amended by Act XVIII of 1872; and Act III of 1887.
V.—The Law relating to Stamps and Court-fees.	Act I of 1879 (as amended by Act I of 1888) ; Act VII of 1870 (as amended byActs XX of 1870, XV of 1872, XIII of 1875, and V of 1881).
VI.—The Law of Limitation.	Act XV of 1877 (as amended by Acts XII of 1879, VIII of 1880, V of 1881, and VII of 1888).
VII.—Criminal Law and Procedure.	The Indian Penal Code (Act XLV of 1860, as amended by Acts XXVII of 1870, XIX of 1872, and VIII of 1882) ; and the Code of Criminal Procedure (Act X of 1882), as amended by Act III of 1884, Act X of 1886, and Act V of 1887.

N.B.—The Regulations and Acts in which the candidate will be expected to pass will be subject to such modification and alteration as may be made from time to time as the law may be changed.

3rd—Any person who has obtained a certificate from the Examiners, under the rules of 1874, shall be entitled to apply within one year from the date of such certificate, but not later, to be admitted as a pleader, under the provisions of those rules.

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[1] Inserted by Rule No. 11, dated 4th August 1890.

(4) In order to qualify a person to present himself for the examination mentioned in Rule 3, Clause 2—

1st[1]—He must hold a certificate of having passed the Entrance Examination or the First Arts Examination of the University of Calcutta, Madras, the Punjab,[2] Allahabad,[2] or Bombay, or the first public examination before Moderators at Oxford, or the Previous examination at Cambridge, or the preliminary examination in Arts in one of the Scotch Universities, or the examination in Arts for the second grade at Durham, or the Matriculation Examination at the University of Dublin or London, or a certificate of having passed some other public examination which shall be certified by not less than three Judges of the High Court as being in their opinion equivalent to one or other of the abovementioned examinations: Provided that a certificate of having passed the Entrance Examination of the University of Calcutta, Madras, the Punjab,[2] Allahabad[2] or Bombay, shall be deemed to entitle a candidate to present himself at the examination only in case such candidate shall be a native of one of the districts comprised within the Chief Commissionership of Assam, and provided also that no candidate who does not hold a certificate of having passed some examination specified in this rule other than the said Entrance Examination shall, in the event of his passing the examination mentioned in

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[1] Revised by Rule No. 11, dated 8th September 1884.

[2] Added by Rule No. 11, dated 4th August 1890.

Rule 2, Clause 3, receive a certificate entitling him to practise beyond the limits of the said Chief Commissionership.

2nd—He must hold a certificate of having regularly attended a full course of Lectures in Law[1] at one of the colleges affiliated in Law to the Calcutta University, or such Law Lectures elsewhere as shall be deemed by the High Court to be sufficient.

3rd—He must produce a satisfactory certificate of good moral character, and be above the age of twenty years.

III.—Qualifications of Mukhtyars.

(5) The following persons may be admitted as Mukhtyars in the Courts subordinate to the High Court; that is to say—

1st—Any person who shall be qualified to be admitted as a pleader, provided that his application to be admitted as a mukhtyar shall be made within one year from the time of his obtaining any degree, license, or certificate mentioned in Rule 3, Clauses *1st* and *2nd* above, or within such further time as the Court shall, for any special reason, allow; or

2nd—Any person who shall within one year produce a certificate from the Examiners that he has passed an examination in the subjects prescribed from time to time by the High Court for the Mukhtyarship examination.

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[1] *i.e.*, of having attended 75 per cent. each year of the lectures delivered during two academical years.

Such subjects shall, until further notice, be as follows :—

SUBJECTS.[1]	REGULATIONS, ENACTMENTS, AND TEXT-BOOKS.
I.—The Law of Property current in Bengal.	
a. With reference to the Permanent Settlement; to the Government lien on land; to claims to hold land exempt from the payment of revenue; and to the mode in which estates can be brought to sale for arrears of revenue.	Regulations (Bengal) I, VIII, and XIX of 1793, and the Regulations and Acts by which the same have been altered; Act XI of 1859, and the preamble to Regulation (Bengal) II of 1793.
b. The law of under-tenures, and the mode in which the same can be brought to sale for arrears of rent.	Regulation (Bengal) VIII of 1819; Act VIII (B.C.) of 1865; Act VIII of 1885 (except as to candidates to practice in Orissa, who will be required to pass in Act X of 1859; candidates to practice in the Assam Valley Districts, who will be required to pass in Regulation No. I of 1886 (the Assam Land and Revenue Regulation); and candidates to practice in Chota-Nagpur, who will be required to pass in Act II (B.C.) of 1869 and Act I (B.C.) of 1879.
c. The Bengal Tenancy Act.	Act VIII of 1885, except as above (as amended by Act VIII of 1886).
d. Registration of Assurances.	Act III of 1887, as amended by Act XII of 1879; Act VII of 1886, and Act VII of 1888.

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[1] Substituted by order of the High Court, dated the 1st August 1888.

e. The Hindu Law of Inheritance, Succession, and Adoption.	Dayabhaga and Mitakshara; Dattaka Chandrika.
f. Mahomedan Law.	Baillie's Digest of Mahomedan Law.
g. The Indian Succession Act; the Hindu Wills Act; and the Probate and Administration Act, 1881.	Act X of 1865, as amended by Act XIII of 1875; Act II of 1877; Act XXI of 1870; Act V of 1881.
II.—Obligations arising from Contracts.	Act IX of 1872, as amended by Act I of 1887; Act IV of 1886; and the Specific Relief Act, I of 1877.[1]
III.—Civil Procedure.	The Civil Procedure Code (Act XIV of 1882) as amended by Act VII of 1888. Act VI of 1888 (Debtors Act).
IV.—The Law of Evidence.	Act I of 1872 as amended by Act XVIII of 1872; and Act III of 1887.
V.—The Law relating to Stamps and Court-fees.	Act I of 1879 (as amended by Act I of 1888); Act VII of 1870 (as amended by Acts XX of 1870, XV of 1872, XIII of 1875, and V of 1881).
VI.—The Law of Limitation.	Act XV of 1877 (as amended by Acts XII of 1879, VIII of 1880, V of 1881, and VII of 1888).
VII.—Criminal Law and Procedure.	The Indian Penal Code (Act XLV of 1860, as amended by Acts XXVII of 1870, XIX of 1872, and VIII of 1882); and the Code of Criminal Procedure (Act X of 1882), as amended by

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[1] Inserted by Rule No. 11, dated 4th August 1890.

Act III of 1884, Act X of 1886, and Act V of 1887.

N. B.—The Regulations and Acts in which the candidate will be expected to pass will be subject to such modification and alteration as may be made from time to time as the law may be changed.

3rd—Any person who has obtained a certificate from the Examiners, under the Rules of 1874, shall be entitled to apply within one year from the date of such certificate, but not later, to be admitted as a Mukhtyar under the provisions of those Rules.

6. In order to qualify a person to present himself for the examination required by these rules for Mukhtyars—

1st—He must hold a certificate of having passed the Entrance Examination of the University of Calcutta, Madras, the Punjab,[1] Allahabad,[1] or Bombay, or a certificate of having passed the Middle Vernacular or Middle English Scholarship Examination, or some other public examination certified by the Director of Public Instruction to be equivalent thereto;

2nd—He must produce a satisfactory certificate of good moral character and be above the age of twenty years.

IV.—Examinations.

7. [2]Every candidate for examination for Pleadership or for Mukhtyarship shall, on or before the 15th November or first open day thereafter in each year, apply to the Examiners for leave to present himself at the ensuing examination, and, *before he be admitted to such examination,* he shall establish to their satisfaction that he possesses the qualifications prescribed for such candi-

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[1] Added by Rule No. 11, dated 4th August 1890.

[2] Substituted by Rule No. 2, dated 19th April 1887.

dates, and *has complied with the provisions of the following rule.*

8.*Such application is not to be transmitted to the Examiners direct, but it is to be filed on or before the said 15th day of November or first open day thereafter in the Court of the District Judge within whose jurisdiction the candidate resides, or is employed (Calcutta for this purpose being taken to be within the district of the 24-Perganas), accompanied,—

(*a*) In the case of candidates for the Pleadership Examination, with the documents in original referred to in the First and Third Clauses of Rule 4 and with the certificate in original referred to in Clause 2 of that Rule if the applicant has already completed the course of law lectures, together with the receipt of the Officer in charge of a Government Treasury for the fee required previous to examination by Rule 20.

(*b*) In the case of candidates for Mukhtyarship, with the documents in *original* referred to in Rule 6, Clauses 1 and 2, together with the receipt of the Officer in charge of a Government Treasury for the fee required previous to examination by Rule 20.

The Judge shall thereupon satisfy himself of the sufficiency of the certificates of character presented by all candidates for Pleadership, who shall have filed the certificates referred to in Clause 2 of Rule 4, and by all Mukhtyarship candidates, and shall satisfy himself as to the identity of such candidates, and shall, on or before the 1st December, transmit to the Examiners all such applications with the documents accompanying, together with a list of such applications and annexures and with his opinion in each case as to the sufficiency of the testimonials produced and any other information which he may think it needful in any case to communicate. And he shall, at the same time, transmit to the Examiners a list of those candidates, if any, for the Pleadership Examination, who have not filed the certificates referred to in Clause 2 of Rule 4.

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* Substituted by Rule No. 2 of 19th April 1887.

Any of the last-mentioned candidates for the Pleadership Examination, who have not, on the 15th November, completed the course of law lectures, may produce and file in original on or before the 1st day of February or first open day thereafter in the Court of the District Judge (in whose Court he shall have filed his application on or before the 15th November) the certificate referred to in Clause 2 of Rule 4. The Judge shall thereupon satisfy himself of the sufficiency of the certificates of character presented by such candidates and as to their identity, and he shall, on or before the 5th day of February, transmit to the Examiners all such applications with the documents accompanying, together with a list of such applications and annexures, and with his opinion in each case as to the sufficiency of the testimonials produced and any other information he may think it needful in any case to communicate.

9.* The Examiners shall, on receipt of the applications from the District Judge, take the case of each candidate with the report of the District Judge into their consideration, and shall determine whether or not the candidate is possessed of the necessary qualifications. If the candidate is found qualified the Examiners shall cause his name, the name of his father, his age and place of residence, and other needful particulars to be entered in a

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* Substituted by Rule No. 2 of 19th April 1887.

Register of persons permitted to appear at the examination.

10. An extract from the Register shall be forwarded to the District Judge with a declaration that the candidate is permitted to appear at the next ensuing examination at .... for delivery to him. The Judge shall cause a notice of his having received such extracts to be stuck up in his Court-house, and shall deliver them to the candidates on application.

The District Judge, in carrying out this Rule and Rule 8, shall conform to such instructions as he may receive from the Examiners through their President or Secretary.

11. Every candidate for examination shall produce to the Examiners the extract from the Register when he presents himself for examination.

V.—Admission.

12. Any person who shall have qualified under these Rules, and who shall desire to be admitted to practise, shall pay into the Government Treasury of the district in which he shall intend ordinarily to practise, the fee prescribed by Rule 20; and shall, on presentation of the certificate of the Examiners or of his diploma, of the receipt for the said fee, and of a stamp paper of the necessary value of his first certificate of practice, be entitled to apply to the High Court for admission, stating in what classes of Courts he desires to practise, with reference to Schedule 1 and Schedule 2 of Act XVIII of 1879.

13. The application, together with the certificate, the receipt, and the stamp paper required by Rule 12, shall be presented to the Judge of the district in which the applicant intends ordinarily to practise; and shall be forwarded by the Judge to the Registrar of the High Court with such remarks as he may think fit to make thereon.

14. The name of the applicant and his place of abode, together with his father's name and place of abode, shall be affixed in some conspicuous place in the Court-house of the Judge to whom the application is sent, and also in the High Court, at least six weeks before the applicant is admitted to practise.

15. The High Court may call for evidence of the respectability of the applicant in any case in which it may be deemed necessary.

VI.—Certificates.

16. Upon the applicant being admitted by the High Court, the Registrar of the High Court shall cause his name to be entered in the proper Register, and shall grant him a certificate as required by Section 7 of Act XVIII of 1879, authorizing him to practise up to the end of the current year in the Courts, and, in the case of a Pleader, also the Revenue Offices specified therein.

17. The certificate shall bear the number assigned to it in the Register and shall be signed by the Registrar and forwarded to the District Judge, to be delivered to the applicant.

18. Any Pleader or Mukhtyar who may apply for the renewal of his certificate under Section 7, Act XVIII of 1879, unless he has been ordinarily practising in the Court of the District Judge, or other officer authorized to renew certificates, shall with his application file a certificate of character from the Judge presiding in the Court in which the applicant ordinarily practises. The Munsif, Subordinate Judge, or Judge of a Small Cause Court may forward the application for a renewed certificate to the District Judge.

19. The renewed certificate shall state only the

particulars contained in the former certificate, and the fact and date of its renewal.

VII.—Fees.

20. The fees payable previous to examination, and on application for enrolment, shall be as follows:—

	Pleader.	*Mukhtyar.*
	R	R
Before examination . .	30	15
Before admission . . .	25	10

21. If in any case a candidate, after having paid the fee required to be paid before examination and having been found duly qualified and permitted to appear at any examination, is prevented by illness or other sufficient reason from appearing at such examination, and such candidate apply in writing to the Examiners within one month from the date of such examination to be allowed to appear at the next examination without payment of any fresh fee, the Examiners may take such application into their consideration, and, if they consider the reason for such non-attendance a sufficient one may allow such application.

VIII.—Penalties.

22. If any person, having passed the examination, entitling him to be admitted and enrolled as a Pleader or as a Mukhtyar, shall fail to apply for such admission and enrolment for a period of one year from the time of passing the examination, he shall not be admitted and enrolled unless, by special order of the High Court, the time for such application shall be extended.

23. If any person having been admitted and enrolled as a Pleader or Mukhtyar shall neglect to take out a certificate, or, having obtained a certificate, shall fail to

renew it for a period of three years, he shall be suspended and shall not be entitled to receive a certificate, or to have his certificate renewed, without further orders of the High Court.

24. Any person who shall hold any appointment under Government, or shall carry on any trade or other business, at the time of his application for admission as a Pleader or Mukhtyar, shall state the fact in his application for admission; and the High Court may refuse to admit such person, or may pass such orders thereon as it thinks proper.

25. Any person who, having been admitted as a Pleader or Mukhtyar, shall accept any appointment under Government, or shall enter into any trade or other business shall give notice thereof to the High Court, who may thereupon suspend such Pleader or Mukhtyar from practice, or pass such orders as the said Court may think fit.

26. Any wilful violation of any of the above Rules shall subject a Pleader or Mukhtyar to suspension or dismissal.

27. The rules, drawn up in accordance with Section 4, Act XX of 1865, for the qualification, admission, and enrolment of Pleaders and Mukhtyars in Mofussil Courts, of the 12th of September 1874, with their amendments, are hereby repealed, except for the purposes of Rule 1, of Rule 3, Clause 3rd, and of Rule 5, Clause 3rd of the present Rules.

Annual Returns of Certificates.

2. [*Section 7—Annual Return of Renewed Certificates to be submitted by District Judges.*]—(*a*) [*C. O. No. 12 of 30th June 1877.*]—All Pleaders' and Mukhtyars' certificates, whether taken out for the first time or

renewed, shall be issued by District Judges as from the 1st January of the year in which they are taken out. District Judges shall submit, during the first week of February in the following year, a return of the certificates renewed by them for the current calendar year, as well as the names of those Pleaders and Mukhtyars who had not renewed their certificates up to the date of report, and who are not therefore entitled to practise. A list containing the names of these last-mentioned persons shall be stuck up in the Court-house, with an intimation that they are liable to penalties if found practising without having renewed their certificates. If any Pleader or Mukhtyar whose name appears in the list shall subsequently take out a certificate during the year, his name shall be reported to the High Court.

Annual Return of enrolled in the Court of the at

1	2	3	4	5	6	7
No. in the High Court's Register and year of admission.	Name and Degree, if any.	Father's Name.	Place where practising.	Value of Stamp on Certificate.	Date of last re-renewal.	REMARKS.

NOTE.—The district in which a practitioner was originally enrolled should always be stated in the column of remarks when he obtains enrolment in another district.[1]

N.B.—In preparing this return the names should be arranged in the order in which they stand in the High Court Registers, with a view to facilitate the checking of the return in the office of the High Court.—(*G. L. No. 16 of 14th December 1880*).

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[1] G. L. No. 4 of 29th January 1880.

(*b*) [*G. L. No. 2 of 30th January 1878.*]—Separate lists should be submitted of (*1st*) Pleaders of the higher grade, (*2nd*) Pleaders of the lower grade, and (*3rd*) Mukhtyars, and the first part of each should show, in order of seniority, the names, &c., of those who have renewed their certificates, and the latter part the names, &c., of those who have not done so.

(*c*) [*C. O. No. 17 of 23rd June 1874.*]—In reporting to the Court the renewal of Pleaders' and Mukhtyars' Certificates under Section 7 of Act XVIII of 1879, District Judges should in all cases state the name of the Pleader's or Mukhtyar's father as well as the Pleader's or Mukhtyar's register number in the High Court's Register, in order that he may be identified in the rolls in the Court's office.

(*d*) [*C. O. No. 7 A. of 25th June 1875.*]—Applications made by Vakeels and Mukhtyars for the renewal of their certificates ought to be made in open Court, and on stamped paper.

3. [*District Judges to communicate to District Magistrates the names of Pleaders and Mukhtyars enrolled in their Courts* (*G. L. No. 9, dated the 10th September 1890, and G. L. No. 3 of 31st January 1891.*] District Judges will inform the District Magistrate of the names of any Pleaders and Mukhtyars who may enrol themselves in their Courts or may renew their certificates.

4. [*Sections 4 and 5—Restriction as to practice by Vakeels of other High Courts—C.O. No. 38 of 15th December 1879.*]—An Advocate, Vakeel, or Attorney of a High Court, other than the Calcutta Court, will not, after the 1st January 1880, be entitled to practise as such in the Lower Provinces of Bengal, unless he ordinarily practises in the Court on the roll of which he is entered, or some Court subordinate thereto.

5. [*RULES as to the functions, &c., of Mukhtyars practising in Subordinate Courts—Section 11, Act XVIII of 1879,—Rule No. 5 of 6th February 1882.*]

(1) The following are the functions, powers, and duties of Mukhtyars practising in the Subordinate Courts:—

(1) To take instructions from his client, and communicate with him.	
(2) To appoint and instruct Advocates, Vakeels, Pleaders, or Attorneys; and to attend the Court during the trial of the client's case.	
(3) To inspect and take copies of records	
(4) To present a plaint (including any documents that may be attached to it), and receive it back if it be rejected or returned.	C. C. Pro., Secs. 48, 53, 57, 59.
(5) To draw and annex to the plaint, a memorandum of the documents which are attached to it; and present plain copies of the plaint or concise statements, as the case may be, and enter a list of documents to be relied upon by the plaintiff as evidence.	58, 59.
(6) To produce documents for his client, and receive them back again if they be rejected or returned.	62, 70, 130, 138, 140, 141, 142, 144.
(7) To apply for and receive process, and communicate with the serving officer or the Small Cause Court, as the case may be, with a view to the service of the same.	64, 99, 100, 85, 86.
(8) To tender a written statement, and receive it back again if it be rejected or returned.	110, 112, 116.
(9) To file interrogatories for delivery through the Court.	121.
(10) To file affidavits	129 (and generally).
(11) To file notices for service through the Court and accept such notices on behalf of his client.	132 (and generally).
(12) To apply for an order of inspection, and inspect books, documents, &c., on behalf of his client.	133.
(13) To apply to the Court to send for a record	137.
(14) To apply for an adjournment	156.
(15) To apply for summonses to witnesses	159.
(16) To apply for execution, and for that purpose to file a tabular statement, inventory, or description of property.	230, 234, 235, 236, 237, 610.

(17) To apply for leave to bid on behalf of a decree-holder.	294.
(18) To apply for the discharge from jail of the judgment-debtor.	341.
(19) To file an application on behalf of a person applying to be declared insolvent.	344.
(20) To apply to place the name of the representative of a deceased party on the record.	363, 366, 368.
(21) To apply to withdraw or adjust a suit (on producing a special power so to do).	373.
(22) To apply for a commission to examine witnesses, for a local investigation, to examine accounts, or to make a partition.	384, 392, 394, 396.
(23) To apply to dispauper a suitor *in formâ pauperis.*	414.
(24) To apply for an arrest before judgment .	477.
(25) To apply for an attachment before judgment .	483.
(26) To apply for an injunction	492, 493.
(27) To apply for an order of reference to arbitration (on producing a special power so to do).	506.
(28) To apply to file an award made or special case stated by arbitrators appointed in a suit in Court (when empowered by the arbitrators so to do).	516, 517.
(29) To apply to have an award remitted to the arbitrators or set aside (on producing a special power so to do).	522.
(30) To apply to file an agreement in writing that any matter in difference between two or more persons shall be referred to arbitration (on producing a special power so to do).	523.
(31) To apply to file an award made without the intervention of the Court (on producing a special power so to do).	525.
(32) To file an agreement or case stated under Sections 527, 528 of the Code of Civil Procedure (on producing a special power so to do).	527, 528, 529.
(33) To file a memorandum of appeal or a cross objection, duly signed and certified by a pleader, and receive it back again if it be rejected or returned.	541, 543, 561.
(34) To pay money into or deposit money in Court, and receive and give receipts for payment of money out of Court.	160, 162, 257 306, 307, 339, 376, 379, 602 (and generally).
(35) To apply to establish a right to measure land, under Section 91 of the Bengal Tenancy Act (VIII of 1885).	

(36) To apply to have lands measured, under Section 103 of the Bengal Tenancy Act.

(37) To deposit rent, under Section 61 of the Bengal Tenancy Act.

(38) To apply for execution, distraint, and sale under the Bengal Tenancy Act.

(39) To apply for foreclosure or to deposit money under Regulation I of 1798, or Regulation XVII, of 1806.

(40) To apply for a certificate, or for the revocation of a certificate, under Act VIII of 1890, or Act VII of 1889, if unopposed.

(41) To apply for probate or letters-of-administration, if unopposed.

NOTE.—When any document (of whatever nature) is required by law to be signed or verified, or both signed and verified, it is incumbent upon the Mukhtyar to see that the same is properly signed or verified, or signed and verified, before filing or presenting the same; and where any application is required to be made upon affidavit, or affirmation, or verified statement, it is not to be entertained unless so made.

A Mukhtyar shall not be allowed to address the Court, except for the purpose of stating the nature and effect of his application, or to offer any legal argument or examine witnesses, without the leave of the Court, specially given.

(2) A Mukhtyar shall be allowed reasonable access to the record in any pending case in which he is concerned, for the purposes of his employment in that particular case.

(3) Every Mukhtyar who has acted for a suitor in any appeal or matter shall be bound to furnish to his client, within 15 days after the decree or order of the Court has been signed, an account in the form hereto annexed, and in a language which the client understands, showing all receipts and disbursements which have passed through his hands in the cause; and to such account shall be annexed a receipt signed by the (Advocate or) Vakeel for all fees paid to him.

A. B., in account with C. D., Mukhtyar of the Subordinate Court of .

Cr.			Dr.
189 .	*R. a. p.*	189 .	*R a. p*
1st January.		*January.*	
To money advanced .		To paid for (*here state particulars*) . .	
		To my fee for (*here state the particular acts he has done in the matter* .	
		To fee paid to E. F., Advocate (or Vakeel) for, &c., &c. . . .	

6. [*Miscellaneous Instructions regarding Practitioners.*]—(*a*) [*C. O. No. 34 of 15th September 1843, and C. O. No. 19 of 11th May 1878.*]—Vakalutnamahs, whether executed by principals or their attorneys and agents, and mukhtyarnamahs under the authority of which vakalutnamahs are executed, shall not be required to be verified on oath. The responsibility in regard to all such documents being properly and correctly executed shall rest entirely with the Vakeels. This rule does not apply to cases in which only mukhtyars or agents are employed. In all such cases the mukhtyarnamah shall be verified on oath except in the case of certificated Mukhtyars who have passed the examination prescribed by the rules framed under Act XX of 1865.[1]

(*b*) Vakeels practising in the High Court shall note on their vakalutnamahs the names of the mukhtars or other[2] persons from whom the vakalutnamahs are received.[3]

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[1] This exception does not affect the practice in Criminal Courts, a discretion in the matter of recognising Mukhtyars being reserved to them by Section 340 of Act X of 1882; nor does it apply to any Mukhtyars other than those specified in the exception.—(*C. O. No. 19 of 11th May 1878.*)

[2] (Added by Rule No. 13 of 18th September 1884.)

[3] Inserted by Rule No. 5 of 24th June 1884.

(*c*) [*G. L. No. 9 of 10th July 1880.*]—Mukhtyars who were admitted to practice in accordance with the provisions of No. 39 of the Rules dated 2nd May 1866, "for the qualification, admission, and enrolment of Pleaders and Mukhtyars in Mofussil Courts," and who have not since passed the prescribed examination, have no authority to appear and practise in any but *Criminal Courts.* District Judges should take such measures as will prevent any such practitioners from practising in any Civil Court in their Districts.

(*d*) [*C. O. No. 229 of 28th September 1842.*]—Vakeels in suits cannot receive, without a special power, sums realized in execution of decrees. The powers conferred on a Vakeel cease on the enforcement of the decree,—that is, on payment of the money (if money be decreed) into Court. Taking the money out of Court is a subsequent and separate transaction, and should not be permitted to a Vakeel except where his vakalutnamah, by a special clause to that effect, or some separate instrument, distinctly confers on him the authority to receive it.

(*e*) [*C. O. No. 15 of 22nd April 1863.*]—No Judicial Officer shall be allowed to practise as a Pleader during the term of any leave that he may obtain from the Court.

(*f*) [*C. M. No. 21 of 13th December 1873.*]—Pleaders of both the higher and lower grades, admitted and enrolled under Act XX of 1865, or Act XVIII of 1879, may hold the office of Sub-Registrar of Deeds without prejudice to their practice. District Judges should report if any inconvenience appears to result from the office of Sub-Registrar being held by a Pleader in active practice.

7. [*Responsibility of Pleaders in accepting Vakalutnamahs—C. O. No. 26 of 21st June 1879.*]

(*a*) All District Judges and all Munsifs at out-stations will publicly impress upon Pleaders of all grades a sense of their responsibility to the Courts in which they practise, in the matter of accepting vakalutnamahs from parties themselves, or from persons professing to be authorised by special or general powers-of-attorney to act on behalf of other persons.

(*b*) The Courts accept vakalutnamahs on the responsibility of Pleaders. A Pleader accepting a vakalutnamah purporting to be executed by his client in person, is bound to satisfy himself that it was so executed. When it purports to be executed by a third party on behalf of his client, he is bound to ascertain that such person has been duly empowered by the client to appoint a Vakeel, and has himself executed the vakalutnamah.

Civil Court Ameens.

8.[1] [*Instructions as to the Books to be kept and reports to be submitted by Civil Court Ameens appointed under Act XII of 1856, C. O. No. 105 of 6th November 1857, revised by C. O. No. 6 of 9th May 1890.*]—(*a*) The District Judge shall furnish each Civil Court Ameen with copies of the two Registers, the Diary, and the Register of Work, in the forms[2] 8 and 9 of Subsidiary Registers in Rule I of Chapter VI, and these Registers shall be kept up regularly by the Ameen.

(*b*) The Ameens shall submit to the District Judge, weekly, a short report of business completed and pending. It may often be the Judge's duty to examine the Diary and Register, and to call for full details of an Ameen's proceeding; but this weekly report is intended

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NOTE.—For rate per diem to be charged for Civil Court Ameens, see page 89.

[1] Amended on the revision of the Rules in 1891.

[2] See pages 256 and 257.

to keep the Judge informed of the progress of his operations and of the propriety of sending him new work[1]. No doubt, it will frequently be possible for an Ameen to carry on more than one assigned duty, and it will be necessary for the District Judge and his subordinates to consider how far it is proper to require his attention to be simultaneously given to more than one case.

(*c*) When any given duty is completed by an Ameen, the Ameen shall specially report the time it occupied, and each Court must then consider and record the amount which, on account of the Ameen's employment, is chargeable to costs of suit. If in any case the estimated prepayment is found to exceed the actual charge, the excess must be refunded.

(*d*) [*C. O. No. 114 of 12th March 1858.*]—The number of Ameens maintained in each District shall be in proportion to the work to be done.

(*e*) [*C. O. No. 28 of 8th September 1870.*]—The District Judge may for sufficient cause propose an increase in the number.

9. [*Instructions for the guidance of Ameens in making field measurements in Local Inquiries—C. O. No. 1 of 30th January 1875.*]—

(1) All measurements shall be made with chain and compass, and the chain shall be 30 feet in length.

(2) The work must be plotted to scale, and the scale to be used by Civil Court Ameens is the brass thakbust scale, 330 feet to the inch, or 16 inches to the mile.

(3) This scale is made by dividing four inches into eleven equal parts, each of which will therefore be equal

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[1] And that no improper delay occurs in executing Commissions entrusted him.—(*C. O. No. 25 dated 25th August 1870.*)

to a russee or beegha-side of 120 feet. Each of these parts sub-divided into four represents the measuring chain of 30 feet, or 5 cottahs.

(4) If the area of the land to be measured is too large to be conveniently shown on the 16-inch scale, the scale may be reduced to one-half. If the plot of land be very small the scale can be increased to double, *i.e.*, 32 inches to the mile. For practical purposes the scale of 8 inches to the mile is the smallest scale Civil Court Ameens can safely use with such instruments as they have to work with. The scales enumerated bear due proportion to the professional survey scale, and facilitate comparison with the professional survey maps.[1]

(5) The starting point, and every bearing and measurement taken, must be recorded in a field-book as the measurement proceeds. This field-book must invariably be submitted with the map prepared therefrom, and in it any prominent landmarks adjacent to or on the line of measurement should be noticed.

(6) In order to secure greater clearness and uniformity, it is further directed that all water, whether running or standing, is to be indicated in blue, the land in dispute to be shaded yellow, and all writing on the maps to be so made as to be read when the map is held with the north side uppermost.

Process Servers.

10. [*Act VII of 1870—*RULES* *under clause iii of Section 20—C. O. No. 37 of 17th November 1880.*]—The following monthly salaries shall be allowed to peons employed in the service of execution of processes of the Civil Courts:—

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[1] In working from professional survey maps it will be borne in mind that two Gunter's chains or 1,320 feet are generally, if not universally, represented by 1 inch. Each inch of a survey village map, therefore, is equal to 11 russees, and each Gunter's chain to 11 cottahs.

1st.—In the Court of the District Judge –

	R per mensem.
Peons, 2nd grade	8
,, 1st grade, after three years' approved service	10

2nd.—In the Court of the Subordinate Judge, not being Judge of a Small Cause Court—

Peons, as in Judge's Court.

3rd.—In the Courts of Munsifs—

	R
Peons, 2nd grade	6
,, 1st grade, after three years' approved service	8

NOTE.—Every peon able to read and write should not be promoted to the first grade on completion of three years' approved service; only a certain proportion of peons, which should vary according to circumstances from one-third to one-half, should be in the first grade, to which they do not become eligible till after three years' approved service. (*C. O. No. 14 of 4th December 1875.*)[1]

4th.—Small Cause Courts—

	R
Peons, 2nd grade[2]	6
,, 1st grade	7

Peons in the Revenue Court of a Collector shall be remunerated as those in the Court of the District Judge. Peons in the Revenue Court of a Deputy Collector shall be remunerated as those of the Court of a Munsif.

NOTE.—The rates of remuneration for peons, provided by these rules, are intended to secure the services of men who can read and write. But whenever, on the occurrence of a vacancy, candidates thus qualified shall not be available, the Court on whose establishment the vacancy exists may record a declaration to that effect, and may then appoint temporarily some person whom it may consider competent to perform the duties, and who shall be paid at the rate of R5 per mensem in Munsif's Courts, and R6 per mensem in all other Courts—provided that such appointments when made by a Court subordinate to the District Judge or Magistrate of the District, shall be subject to the approval of such Judge or Magistrate, and shall cease as soon as duly qualified candidates shall be procurable.

This note applies to Civil Courts, both in Bengal and in Assam.

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[1] Inserted by C. O. No. 9 of 18th May 1881.

[2] Peons of the 3rd grade were struck out by Rule No. 13 of 20th May 1881.

The following monthly salaries shall be allowed to peons employed in the service or execution of processes of the Civil Courts in the Assam Valley Districts[1] :—

1st.—In the Courts of Sub-Judges—

	In Goalparah, Kamroop, Durrung, and Nowgong.	In Sibsagar and Lukhimpore.
	R	R
Peons, 2nd grade . . .	8	10
,, 1st grade, after three years' approved service	10	12
2nd.—In the Courts of Munsifs—		
Peons, 2nd grade . . .	6	8
,, 1st grade, after three years' approved service	8	10

Provided that the number of peons in the higher grade shall not exceed one-third of the total number employed in any district.

[*Act VII of 1870—Rules*[2] *under Section 22.*]

11. (1) The Judge of every District in the Regulation Provinces, the Judge of the Assam Valley Districts, the District Judge of Sylhet[3] and the District Judge of Cachar[3] shall ascertain the average number of processes issued from his own Court, and from each of the Courts subordinate thereto, during the immediately preceding three years.

(2) The peons to be employed in each district shall be in number sufficient for the execution of the number of

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[1] Inserted by Rule No. 12, dated the 15th September 1890.

[2] Published in the *Calcutta Gazette* of the 2nd April 1879, and the *Assam Gazette* of the 18th October 1879.

[3] Inserted by Rule No. 12, dated the 15th September 1890.

processes so obtained, each peon being for this purpose considered capable of executing—

in the Court of the District or Subordinate Judge, per annum 200
in the Court of a Munsif 250
in Court of Small Causes 300

In all Courts in the Assam Valley Districts, and in the District of Cachar, each peon shall be considered capable of executing 300 original processes[1] and in all Courts in the District of Sylhet 200 such processes per annum.[2]

(3) In order to provide for the service of processes of certain kinds which occupy a longer period, and in respect of which a higher fee is charged, 25 per cent. may be added in each case to the average ascertained under the 1st and 2nd rules.

Bengal.

Backergunge.	Lohardugga.
Dacca.	Hazaribagh.
Jessore.	Manbhoom.
Sylhet.	Chittagong.
Furreedpore.	Dinagepore.
	Mymensingh.
	Rajshahye.
	Rungpore.
	Cooch Behar.

N.B.—For the districts in the 2nd column the calculation is to be made from May to October, inclusive, only.

(4) In the districts named in the margin (as well as in any other district similarly circumstanced to which the High Court may by notification in the Government Gazette extend this rule) the number of processes which each peon is expected to serve may be reduced by one-third, and the number of peons to be employed shall be calculated accordingly.

(5) Where there are in any district several Courts of one class, the Judge may authorize the appointment of such total number of peons for all such Courts as may suffice for the execution of all the processes issued by

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[1] The term "original process" means the original document which is filed with the record of a case, which document includes the names of all persons residing within the jurisdiction of the Court upon whom copies of that document (whether it be a summons, warrant, notice or other process) are to be served in the same case and at the same time.

[2] Inserted by Rule No. 12, dated the 15th September 1890.

such Courts, and may from time to time apportion such peons among such Courts as may appear necessary.

(6) When it appears to the District Judge that the number of processes issued out of any Court or class of Courts in the district has increased by 10 per cent., he shall be competent to make a corresponding increase in the number of peons; and if there shall be a diminution to the like extent, or if he shall be satisfied that the processes of all or any of such Courts can be executed by a smaller number of peons, it shall be his duty to make a reduction accordingly.

PART III.

CHAPTER VIII.

Miscellaneous Instructions.

Inspections.

1. [*Instructions regarding the Periodical Inspection of Subordinate Courts—C. O. No. 15 of 14th May 1864.*]—(*a*) It is incumbent on every Civil Judge to visit annually, if possible, the Courts subordinate to him (including the Courts of those Officers who are located at the Sudder Station) for the purpose of satisfying himself that their proceedings are conducted strictly according to law and so as to ensure order, regularity, and attention to the rules prescribed for their guidance. While, however, the necessity and importance of a personal inspection of the subordinate Courts by the District Judges is enjoined, the time and occasion of such inspection is left to the Judges themselves, who should use their own discretion in making their inspectional visits when, having regard to their other duties and the state of their files, they think it most fit and convenient.

1. General conduct of judicial business. (*See* below.)
2. Prompt registration and disposal of plaints.

(*b*) Every inspection of a Munsif's Court, when completed, is to be reported to the High Court. The report should comprise the particular subjects mentioned in the margin, and should

3. How daily Register of judicial proceedings is kept up.
4. Manner of recording evidence in suits under Section 9 of the Specific Relief Act, I of 1877.

contain the result of the Judge's observations on the Munsif's mode of doing business in respect of ability, temper, vigour, discretion, and punctuality; the state of his office, including "accounts," and the absence or frequency, as the case may be, of complaints. The Judge, however, should remember that while his mission is, on the one hand, to observe and correct errors, he is also to encourage, assist, and advise; he should clearly and courteously explain all difficulties occasioned by inexperience, change of system, or possible ignorance of the English language, and should invite the freest communication on all topics of mutual concern.[1]

(*c*) When reporting on the mode in which the subordinate Courts perform their duties after a personal inspection, the Judges should note particularly the degree of attention which is shown by them to the provisions of Act XIV of 1882, especially to the rules regarding the drawing up of the plaint and the written statement of the parties before the Court, the examination of the parties to the suit, the settlement of the issues, and the examination of the witnesses. The Judge should, moreover, remark particularly on the degree of ability exhibited by the Judge in examining parties before him, and in checking the putting of irrelevant questions by the Pleaders, in ascertaining and settling the issues in a suit, and generally in the conduct of a case before him.

(*d*) As some misapprehension has been found to exist in regard to the time to be spent upon these visits into the interior, some Judges having applied for tents while in tour, it seems necessary to explain that such a sacrifice of time upon the duty of inspectional visits as the necessity for living under canvas would imply is not contemplated. A few hours spent in a Munsif's cutchery, when the business of the Judge's Court allows of this being done, will ordinarily suffice for the object in view; and for such purpose the Judge might travel by dâk, drawing the travelling allowance authorized by the Government. In any special case, however, where the use of a tent is deemed indispensable, the Judge might procure the loan of the Magistrate's camp equipage, or apply to Government for the means of discharging the duty required of him.

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[1] Clause 6 substituted by C. O. No. 9 of 29th May 1873.

(*e*) [*C. O. No. 16 of 30th March 1878.*]—Whenever a District Judge, on inspecting the office of a subordinate Court, has occasion to comment on any irregularities, a copy of his remarks may be communicated to the officer concerned for his information and guidance, unless for any special reason the Judge considers that it should be withheld, in which case he will take the orders of the High Court on the subject.

(*f*) [*C. O. No. 24 of 5th September 1881.*]—The above instructions shall be considered to apply, *mutatis mutandis*, to Small Cause Courts constituted under Act IX of 1887. Such Courts should be inspected by the District Judge at least once in every year.

(*g*)[1] [*G. L. No. 7 of 8th May 1884.*]—It shall be the duty of the District Judge or Judicial Commissioner upon every inspection of a subordinate Court to satisfy himself and report to the High Court whether the Diary and Register of Petitions have been properly maintained. A glance at column 5 of the Register of Petitions will show at once whether applications in suits have been promptly dealt with. Similarly a glance at column 2 of the Diary will show whether cases have been adjourned too frequently or to too distant dates. The same column will enable the course of any suit to be traced from its first institution to its final disposal. The Diary itself will show whether the Subordinate Judge or Munsif has exercised proper care and judgment in arranging the work of each day.

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[1] Amended on the revision of the Rules in 1891.

District Judges.

2. [*District Judges not to issue Circular Orders to their subordinates without the previous sanction of the High Court—C. O. No. 1 of 9th January 1882.*] (*a*)—District Judges should not, as a rule, issue general orders in the form of Circulars to the Judicial Officers subordinate to them. If there be any matter connected with the Judicial administration of their Districts, which in their opinion requires the issue of a general order for the information and guidance of the Courts over which they exercise control, they should submit such order for the confirmation and approval of the High Court, without which it should in no case be issued.

(*b*) [*District Judges to record opinion as to subordinate Judicial Officers before delivering over charge of their offices—C. O. No. 11 of 19th May 1885.*]—District Judges about to proceed on furlough, or who are under orders for transfer to other districts, shall, before delivering over charge of their offices, leave on record, for the use of their successors, their opinion as to the character and qualifications of all the subordinate Judicial Officers employed in their districts.

3. [*Transfer of Charge—C. O. No. 6 of 6th February 1879.*]—District Judges should invariably report to the High Court when any formal transfer of charge takes place in any Court in their district.

Promotion and Transfer.

4. [*Applications for Promotion and Transfer.*]—(*a*) [*C. O. No. 73 of 6th March 1840 and C. O. No. 8 of 26th July 1869.*]—No application from any Judicial Officer subordinate to a District Judge, for promotion or for transfer to another district, will receive attention unless sent through the Judge of the district.

(*b*) [*C. O. No. 27 of 23rd July 1880.*]—No member of the Subordinate Judicial service who has made a request to be transferred to another appointment shall be entitled to travelling allowance upon any transfer made in pursuance of such request, whether such transfer be to the district mentioned in such request or to any other district.

Court-houses.

5. [*Applications for Construction and Repairs—C. O. No. 6 of 24th April 1876.*]—All applications for the construction of new Court-houses, or for the repair of existing buildings, should be submitted direct to the Government of Bengal, and not to or through the High Court.

ACT XII OF 1887 [*The Bengal, North-Western Provinces, and Assam Civil Courts' Act.*]

6. (*a*) [*Section 12.—District Judge to report appointment of acting Munsif to the Accountant-General—C. M. No. 13 of 21st July 1873.*]—Whenever a District Judge, on the occurrence of any vacancy in the office of Munsif, appoints a person to act in such office, the appointment should be distinguished in the pay abstract by words such as "Temporary; officiating by order of District Judge under Section 12 of Act XII of 1887," and every

such appointment should be reported to the Accountant-General as well as to the High Court.

(*b*) [*Report what to contain—C. M. No. 16 of 16th September 1873 and C. O. No. 22 of 14th December 1877.*]—The report to the Accountant-General should contain the name of the officer appointed, whether he is a Government servant, the office to which he is appointed, and the occasion of the appointment. The date of joining should also be communicated either with the first report (which will be in sufficient time if sent when the officer joins) or in a subsequent separate report. The District Judge should also give intimation to the officer in charge of the Treasury from which the Munsif's pay will be disbursed.

(*c*) [*Similar Report required when the Sarrishtadar is placed in charge—C. M. No. 4 of 5th August 1871.*]—In all cases in which the Sarrishtadar is placed in charge of the current duties of a Munsif's Court during the temporary absence on leave or otherwise of the Munsif or pending the arrival of his *locum tenens* or successor, the fact should be reported for the sanction of the High Court in the same manner as is necessary when a District Judge appoints an officiating Munsif under Section 12 of Act XII of 1887.

(*d*) *Section 29—Recommendation that Small Cause Court powers be conferred on any Munsif—C. O. No. 24 of 12th August 1871.*—District Judges and Judicial Commissioners should inform the High Court, when for any special cause they consider it advisable that a particular Munsif should be invested under Section 25 of The Bengal Civil Courts' Act (XII of 1887) with the jurisdiction of a Court of Small Causes ; stating both the local circumstances which appear to call for the measure, and the Munsif's fitness to exercise such powers. Among the circumstances which should be stated are the following—whether there is more than one Munsif at the station indicated, and if so, what is the distribution of business between the Munsifs, and within what limits it is intended that the proposed jurisdiction should be exercised.

Leave.

7. [*Vacation and Privilege Leave*]—(*a*) [*C. O. No. 25 of 17th August 1864.*]—In submitting any application from a Subordinate Judicial Officer for vacation leave the Judge should distinctly certify that it can be granted without injury to the public service or additional expense to the State; and where an officer has failed to rejoin his appointment in time to sit on the very day the Courts re-open after the Dusserah he should be reported to the Accountant-General as absent without leave, and his absence brought to the notice of the High Court.

(*b*) [*C. O. No. 33 of 1st November 1878.*]—District Judges should submit applications for vacation leave to the Court direct, and not through the Accountant-General.

(*c*) [1]All applications for vacation leave from officers in any one district should be submitted by the District Judge in one communication, and not by means of a separate letter in each case.

(*d*) Applications for privilege leave,[2] which is admissible to Uncovenanted Judicial Officers only in case of urgent necessity, should be submitted to the Court through the Accountant-General, and the officers making such applications should be required to note in them what vacation leave, if any, they may have had during the previous three years.

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[1] Inserted by Circular Order No. 8 of 18th September 1883.

[2] Permission to return to duty before the expiration of leave should not be given by District Judges to any Judicial Officer without the orders of the High Court previously obtained (G. L. No. 11, dated 28th June 1884.)

(*e*) Vacation leave cannot be granted otherwise than under these instructions.

(*f*) [*C. O. No. 13 of 22nd June 1882.*]—Judicial Officers, when applying for privilege leave, should state in their applications whether or no they were prevented from availing themselves of any, and if so of what portions of the three previous vacations, by reason of having to remain at their posts on duty.[1] Without this information the High Court is unable to determine the nature of the leave to be granted in each case.

(*g*) [*C. O. No. 4 of 5th March 1886.*]—When forwarding, through the Accountant-General, any application for the grant of privilege leave to an officer of the Subordinate Judicial Service, the District Judge should invariably certify thereon whether or no such officer applied for and obtained leave during previous vacations; and if he did not apply, "whether, if he had applied for such leave, then, having regard to the duties he had to perform, the leave would have been granted to him and other practicable arrangements made for the work, or would have been refused."*

* Government of India No. 12 of 4th January 1886, paragraph 7.

Subordinate Judicial Officers.

8. [*Designation of Officers—C. O. No. 6 of 7th May 1889.*]—The practice of designating Subordinate Judges and Munsifs, where more than one is appointed to a District or Munsif, as "1st Subordinate Judge," "2nd Subordinate Judge," and "1st Munsif," "2nd Munsif," and so on, according to seniority, will be discontinued. In future, in all such cases, each officer will be described in the

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[1] *Vide* revised Rules (under Section 72, Civil Leave Code), of the 26th May 1882, published in the *Gazette of India*, for the 27th May 1882, Part I, page 213.

proceedings instituted in his Court by name, with the addition of his title, " Subordinate Judge of____________" or " Munsif of________________," and without any further distinction.

For the purposes of the periodical returns, where there are more than one Court of any class at any station, such Courts will be designated 1st, 2nd, and 3rd Courts, but without any reference to the seniority of the Judges presiding therein.

9. [*What offices Munsifs may hold—G. L. No. 2 of 29th January 1877.*]—(*a*) As a general rule Munsifs ought not to be Municipal Commissioners, as the acts of Municipalities are frequently called in question, and might come before the Munsifs judicially. An exception, however, might be made in those cases where there are two or more Munsifs at one station, in which case one of them might be a Municipal Commissioner.

(*b*) The appointment of a Munsif to be a Member of a Road Cess Committee should only be made when it is certain that the Munsif will have leisure to undertake the duties.

Public Officers—matters connected with.

10. (*a*) [*Complimentary Addresses prohibited.—C. O. No. 148 of 29th September 1851.*]—The receipt by public officers of complimentary addresses from parties with whom they have been officially connected is objectionable, and should be discontinued.

(*b*) *Public Officers not to Lend Money to persons in their jurisdiction—C. O. No. 69 of 25th October 1844.*]—The rule in Section 2 of Regulation XXXVIII of 1793, prohibiting Public Officers from lending money to persons within their jurisdiction, is (with the sanction of Government) extended to all uncovenanted Judicial Officers.

(*c*) *Imputation of prejudice on the ground of hospitality—C. O. No. 7 of 7th April 1877.*]—Judges of all grades should avoid, as far as possible, becoming the guests of those who are interested in cases, civil or criminal, which will eventually come before them for decision. All possible imputation of prejudice against the weaker party will thus be avoided.

11. [*Representations of personal services—C. O. No. 6 of 6th April 1865.*]—Public Officers are prohibited from forwarding to Government representations from their subordinates relating to the personal services of the latter, the public post being the most natural and proper means through which persons desirous of bringing their claims prominently to notice may carry their wishes into effect.

12. *Applications for Pension and Gratuity—C. M. No. 33 of 25th November 1863.*]—As the submission of several applications for Pension and Gratuity with one statement of service and one covering letter is liable to cause confusion, and, in some instances, delay, separate statements and letters, drawn up in as concise a form as possible, should accompany each application.

13 [*Attitude to be maintained by Officers of Government towards political and quasi-political movements (G. L. No. 3, dated the 7th May 1890).*]

The following instructions[1] have been issued by the Government of India regarding the attitude to be maintained by officers in the service of Government towards political or quasi-political movements :—

(*a*) As a general rule, no officer of Government should attend at a political meeting where the fact of his presence is likely to be misconstrued or to impair his usefulness as an official.

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[1] From the Government of India, to all Local Governments and Administrations,—No. $\frac{11}{879}$-SS, Calcutta, the 18th March 1890.

(*b*) No officer of Government may take part in the proceedings of a political meeting, or in organizing or promoting a political meeting or agitation.

(*c*) If in any case an officer is in doubt whether any action which he proposes to take would contravene the terms of this order, the matter should be referred to the Head of the Department or District, and, if necessary, to the Local Government or Administration.

High Court—Communication with.

14. [*Vernacular papers not to be forwarded to the High Court—C. O. No. 13 of 10th May 1864.*]—(*a*) A covering letter forwarding any Vernacular paper (*e. g.*, Judicial Proceeding, Report of a Subordinate Ministerial Officer, and such like) should never be addressed to the Court.

(*b*) The transmission of Vernacular papers should be discontinued as much as possible.

(*c*) No Vernacular paper should be addressed to the Court unless it refers to some Judicial Proceeding before the Court, or is a copy of some proceeding forming part of some Judicial record. In such a case the Vernacular paper should be sent with a short Memorandum written on the face of it.

(*d*) Reports of Subordinate Ministerial Officers are obviously intended only for the superior Officer to whom they may be addressed, and should never be transmitted to the Court either in original or by copy. If it be necessary to address the Court regarding the subject matter of any such report, the contents of that report should be embodied in an English letter.

(*e*) [*Letters, &c., intended for the High Court how to be addressed—C. O. No. 21 of 12th August 1881.*]—All covers, whether printed or written, intended for the High Court, should be addressed as follows :—" To the Registrar (Appellate *or* Original Side, *as the case may be*), High Court of Judicature, Calcutta."

15. [*Section 2, C. C. P.—Communications from Small Cause Courts how to be submitted—C. O. No. 12 of 9th March 1878.*]—All communications, including the monthly returns, from Small Cause Courts to the High Court should be submitted in the first instance to the District Judge, to whom the Small Cause Court is subordinate.

Small Cause Courts.

16. [*Application of Circular Orders and other Rules to Small Cause Courts*]—(*a*) [*C. O. No. 11 of 18th June 1873.*]—Circular orders which are addressed to "all Civil Courts" are intended to apply also to Courts of Small Causes.

(*b*) [*C. O. No. 38 of 23rd November 1880.*]—District Judges shall, in dealing with the budget estimates, contingent bills, &c., of Small Cause Courts, be guided by the general rules applicable in the case of the other subordinate Civil Courts.

Libraries.

17. [*Rules for the Custody of Books and the management of Libraries*]—(*a*) [*C. O. No. 20 of 26th July 1855, and No. 36 of 30th November 1878.*]—

(*a*) The Head Clerk of the English Office is to be appointed Librarian. He will be primarily responsible for the custody and preservation of the books composing the Office Library ; but this will not relieve the Judge or other presiding authority from the general responsibility devolving on him as Head of the Office.

(*b*) Correct catalogues must be kept up of the books in the Library. It will be useful to insert a column in the catalogue showing the date of receipt of each book. The catalogues should be of English paper and strongly bound for permanent record.

(*c*) Each book must have a number labelled upon it corresponding to a number in the catalogue, and, as fresh additions are made to the Library, they should be labelled and numbered in like manner. Each book should also be marked on several leaves with the Office stamp.

(*d*) Whenever a book is required out of the Library by any Officer (other than the Judge or Magistrate) competent to require the same, the Librarian should send a receipt on a slip of paper, which the recipient will sign and return on getting the book. Such receipt is to be destroyed when the book is returned into the Office.

(*b*) [*C. O. No. 3 of 25th January 1856.*]—The preceding rules shall be applied, as far as possible, to the Courts of the Subordinate Judges and Munsifs. Catalogues must be kept by each Native Judge of the Regulations, Acts, Gazettes, &c., furnished by Government for the use of his Office ; and on receiving charge of any judicial post the relieving Officer should satisfy himself that the Library of the Court to which he is appointed is complete and in good order, and the catalogue correct. Should any books be found wanting, or their condition materially damaged, he should report the fact without delay to the Judge to whom he is subordinate, or else he will be held answerable for the deficiency.

(*e*) [*C. O. No. 67 of 6th July 1855.*]—Reports, Gazettes, and other books supplied to Judicial or other

Officers are not to be taken away by the incumbents on their promotion or transfer, but are to be transferred to their successors in office.

Production of Post Office Records.

18. [*C. O. No. 5 of 8th April 1891.*]—The attention of all Civil and Criminal Courts in Bengal and Assam is invited to the following departmental instructions, which the Director-General of the Post Office, with the approval of the Government of India, has issued for the guidance of Postmasters, on the subject of the production of Post Office Records before Courts.

Production of Records before Courts.

A summons from a Court of Civil or Criminal Jurisdiction to produce any of the records of a Post Office, or a certified extract from or copy of any of such records, must be complied with. The receipt of such a summons, and such particulars as are known to the Postmaster regarding the case, should be at once reported to the Postmaster-General, in case he should see fit to raise any objection in Court under Section 123 or Section 124 of the Indian Evidence Act, I of 1872, to the production of any of the records. When any journal or other record of a Post Office is produced in Court and admitted in evidence, the Officer producing it should ask the Court to direct that only such portions of the record as may be required by the Court shall be disclosed.

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TO THE

RULES AND ORDERS

OF THE

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(CIVIL.)

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